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Report on the main decisions and policy recommendations of the Committee on World Food Security

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly and the Economic and Social Council a report on the main decisions and policy recommendations of the Committee on World Food Security.

* A/68/50.
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I. Introduction

1. The purpose of the present report is to respond to Economic and Social Council decision 2011/217, in which the Council invited the Chair of the Committee on World Food Security of the Food and Agriculture Organization of the United Nations (FAO) to transmit to it every year, starting in 2012, a report on the main decisions and policy recommendations made, as well as the results achieved, by the Committee in the area of food security and nutrition, in accordance with its new roles and vision. More information regarding the new roles and vision of the reformed Committee can be found in documents A/66/76-E/2011/102 and A/65/73-E/2010/51.

2. The report begins with a brief description of the main outcomes and decisions taken by the Committee at its thirty-eighth (special) session in May 2012, and at its thirty-ninth session in October 2012, and, where appropriate, updates on follow-up actions. The final reports on the two sessions are contained in the annexes to the report. The fortieth session of the Committee will be held in October 2013.

II. Main decisions, recommendations and results

Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security

3. The Voluntary Guidelines of the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security were endorsed by the Committee at its thirty-eighth (special) session.

4. The Guidelines promote secure tenure rights and equitable access to land, fisheries and forests as a means of eradicating hunger and poverty, supporting sustainable development and enhancing the environment. They are voluntary and are not legally binding. They set out principles and internationally accepted practices that all stakeholders are encouraged to make use of when formulating strategies, policies and programmes on food security, nutrition, agriculture and the tenure of land, fisheries and forests. The Committee requested the General Assembly, through the Economic and Social Council, to further endorse the Guidelines and ensure their wide dissemination to all relevant United Nations bodies and agencies, pursuant to the document on the reform of the Committee (CFS:2009/2 Rev.2),[1] and its rules of procedure (CFS:2011/9 Rev.1), rule X(4). The General Assembly encouraged countries to give due consideration to implementing the Guidelines through the adoption of the resolution on agriculture development and food security (see A/67/443).

5. An update on the implementation of the Guidelines will be submitted within the context of the fortieth session of the Committee.

Principles for responsible agricultural investments

6. The Committee on World Food Security has launched a consultative process to develop and ensure broad ownership of principles for responsible agricultural investments. These are expected to promote investments in agriculture in a way that

[1] See A/65/73-E/2010/51, annex, para. 21.

contributes to food security and nutrition and to the progressive realization of the right to adequate food in the context of national food security.

7. The principles for responsible agricultural investments are intended to provide practical guidance to Governments, private and public investors, intergovernmental and regional organizations, civil society organizations, research organizations and universities, donors and foundations. They will be voluntary and non-binding and should be interpreted and applied consistently with existing obligations under national and international law.

8. An open-ended working group, composed of the Committee Bureau and Advisory Group members, has been established to help guide the process. The zero draft of the responsible agricultural investments principles will be discussed in a series of multi-stakeholder consultations at the regional and global levels. The resulting principles will then be submitted to the forty-first session of the Committee in 2014 for endorsement by plenary.

Agenda for action for addressing food insecurity in countries in protracted crises

9. A high-level expert forum on food insecurity in protracted crises, jointly organized by the Food and Agriculture Organization of the United Nations (FAO), the International Fund for Agricultural Development (IFAD) and the World Food Programme (WFP) in collaboration with the High-level Task Force on the Global Food Security Crisis, under the auspices of the Committee on World Food Security, was held in Rome in September 2012, with the participation of a large number of interested actors.

10. Building on the outcomes of the high-level expert forum on food insecurity in protracted crises, the Committee, at its thirty-ninth session, reiterated its support for a consultative and inclusive process to develop an agenda for action for addressing food insecurity in protracted crises. In this regard, a two-year process was endorsed based on a twin-track approach. One track will entail a series of inclusive consultations at various levels to allow different stakeholders to fully contribute to the preparation of the agenda for action, including the establishment of a multi-stakeholder knowledge platform, e-consultations, and global and regional multi-stakeholder consultations under the auspices of the Committee. The other track, inter alia, will build on lessons learned from several immediate actions, including to explore the possibility of mainstreaming food security and nutrition concerns into the peacebuilding and State-building priorities of the New Deal for Engagement in Fragile States, and to distil lessons from resilience-based programming in protracted crises situations and analyse how they can be applied. Building on lessons learned, these immediate actions will enrich the formulation of the agenda for action.

11. The purpose of elaborating an agenda for action is to guide action at global, regional and national levels and to underpin a renewed commitment to improve and enlarge investments to address food insecurity, putting the needs of affected countries and populations at the fore.

12. The expected outcomes include a greater understanding of the multi-dimensional causes of protracted crises, the sharing of more effective analytical tools to assist in identifying root causes and an appropriate combination of political and technical responses to address them. For this transformative process

to succeed, new solutions and ways of working in partnership are required, building on the elements identified in the high-level expert forum on food insecurity in protracted crises, to strengthen collaborative efforts to deal more appropriately with food security and nutrition in protracted crises.

13. The agenda for action is expected to be completed in 2014 and submitted for endorsement at the forty-first session of the Committee on World Food Security. A progress report on the activities undertaken in 2013 will be submitted to the Committee at its fortieth session.

Global Strategic Framework for Food Security and Nutrition

14. One of the key outcomes of the thirty-ninth session of the Committee on World Food Security was the adoption of the Global Strategic Framework for Food Security and Nutrition, which aims to improve coordination and guide synchronized action by a wide range of stakeholders on food security and nutrition issues. The Framework is an overarching framework and a single reference, which contains practical guidance and core recommendations on food security and nutrition issues. It provides a synthesis of the root causes of hunger, lessons learned, key foundations and overarching frameworks for food security and nutrition, which includes policy, programme and other recommendations of the Committee. The Framework covers a broad range of topics, including promoting smallholder-sensitive investment in agriculture; addressing excessive food price volatility; addressing gender issues in food security and nutrition; increasing agricultural productivity and production; nutrition; tenure of land; fisheries and forests; and addressing food security and nutrition in protracted crises.

15. All stakeholders are encouraged to promote and use the Global Strategic Framework for Food Security and Nutrition when developing strategies, policies and programmes on food security, nutrition, agriculture, fisheries and forests. The Framework will be updated regularly to include the future policy recommendations and other outcomes of the Committee.

Monitoring decisions and recommendations of the Committee on World Food Security

16. The monitoring activity under the Committee intends to support its efforts to determine how well it is meeting its overall objective and to what extent it contributes to the improvement of food security and nutrition at various levels.

17. The Committee document on reform recommended that "the CFS should help countries and regions, as appropriate, address the questions of whether objectives are being achieved and how food insecurity and malnutrition can be reduced more quickly and effectively. This will entail developing an 'innovative mechanism', including the definition of common indicators, to monitor progress towards these agreed upon objectives and actions taking into account lessons learned from previous CFS and other monitoring attempts".

18. An open-ended working group, composed of Committee Bureau and Advisory Group members, was created to discuss the complex issues surrounding the scope of work and is moving ahead on the following two streams:

(a) Monitoring of Committee decisions and recommendations and assessing progress in their implementation;

(b) Monitoring in the longer term, the impact of Committee products on global, regional and national food security and nutrition.

19. The open-ended working group is supported by a technical team composed of representatives of FAO, IFAD and WFP, civil society and private sector mechanisms. The first step in this process will be to map existing, relevant monitoring mechanisms at global, regional and national levels with the aim of gathering knowledge and insights to help inform the way forward for monitoring by the Committee. An open-ended working group workshop will be held in June 2013 to review progress made on the two work streams, the outcomes of which will be submitted at the fortieth session of the Committee.

Communication strategy for the Committee on World Food Security

20. At the thirty-ninth session of the Committee on World Food Security it was noted that there was a need to communicate its work more effectively. The importance of raising the general awareness about Committee outputs and the development of a broad dissemination process of its decisions and recommendations were identified as a crucial component for the Committee.

21. All stakeholders working in the field of food security and nutrition should be aware of the outcomes of the Committee (such as the Global Strategic Framework for Food Security and Nutrition, the Voluntary Guidelines of the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security and other policy recommendations) and that they were the result of an inclusive multi-stakeholder process. It was also noted that the Committee needed to receive feedback on its products from stakeholders in order to evaluate their effectiveness. The objectives of the draft communication strategy are:

(a) To raise awareness of the work of the Committee, promote the use of its products and receive feedback on their effectiveness;

(b) To identify and be part of communities of practice and multi-stakeholder governance mechanisms at global, regional and country levels that can use or refer to the work of the Committee;

(c) To improve internal communication between the Committee Bureau, its Advisory Group and its secretariat.

22. The communication strategy is under development and will be submitted at the fortieth session of the Committee.

Update on the work of the High-level Panel of Experts on Food Security and Nutrition

23. At the thirty-ninth session of the Committee on World Food Security, the High-level Panel of Experts on Food Security and Nutrition submitted two reports that were requested by the Committee, Food Security and Climate Change and Social Protection for Food Security, which are summarized briefly in the present report. These were used as inputs for two policy round tables. Policy recommendations resulting from the discussions and endorsed by plenary meeting are provided in the final reports contained in the annexes to the present report. Studies on investing in smallholder agriculture for food security and nutrition and on biofuels and food security will be submitted at the fortieth session of the

Committee. The Panel has also been requested to include in its 2013/2014 workplan studies on the role of sustainable fisheries and aquaculture for food security and nutrition and on food losses and waste in the context of sustainable food systems.

Food security and climate change

24. As a result of the policy roundtable discussion held at its thirty-ninth session, the Committee, recognizing the role of the United Nations Framework Convention on Climate Change (UNFCCC), invited Member States, international organizations and other Committee stakeholders, as appropriate, to integrate climate change concerns into food security policies and programmes and to increase resilience of vulnerable groups and food systems to climate change; to facilitate access to genetic resources for food and agriculture and the fair and equitable sharing of the benefits arising from their use; to develop agricultural strategies that take into account the need to respond to climate change and to safeguard food security, the diversity of agricultural conditions and systems, and the countries' and regions' specific levels of development, needs, contexts and priorities; to enhance research, including farmer-led research, and improve information collection and sharing; and to facilitate, as appropriate, participation of all stakeholders in food security policies and programmes to address climate change.

25. To support the consideration of food security within UNFCCC activities, in accordance with its mandate and in the context of the objectives, principles and provisions of that Convention, the Committee invited FAO to continue collaboration with the UNFCCC secretariat and requested the Committee on World Food Security secretariat to transmit for information the report of the High-level Panel of Experts on Food Security and Nutrition on food security and climate change and the Committee recommendations to the Intergovernmental Panel on Climate Change and the UNFCCC secretariat.

Social protection for food security

26. As a result of the policy roundtable discussion held at its thirty-ninth session, the Committee urged Member States to design and put in place comprehensive nationally owned, social protection systems for food security and nutrition. Member States, international organizations and other stakeholders were urged to ensure that social protection systems embrace a twin-track approach to maximize the impact on resilience and to improve the design and use of social protection interventions to address vulnerability to chronic and acute food insecurity. Member States were reminded that social protection programmes for food security and nutrition should be guided by human rights norms and complemented by appropriate policies, guidelines, including legislation, as appropriate, to support the progressive realization of the right to adequate food in the context of national food security, as well as gender empowerment and equality. The Committee was asked to consider further support for social protection and food security and nutrition, including lessons learned, further exploration of integrating food security and nutrition into social protection floors in consultation with other partners, and further clarifying its support to stakeholders in the monitoring, the reporting and the evaluation of social protection programmes for food security and nutrition, taking into account the roles of other relevant stakeholders and existing mechanisms.

Annex I

[Original: Arabic, Chinese, English, French, Russian and Spanish]

Report of the 38th (Special) Session of the Committee on World Food Security (Rome, 11 May 2012) (CL 144/9 (C 2013/20))

Summary

At its 38th (Special) Session, the Committee endorsed the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT), which was the only substantive item on the agenda.

Suggested action by the Council and the Conference

The Council and the Conference are requested to acknowledge the decisions and recommendations of the Committee.

Queries on the substantive content of the document may be addressed to:

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1. The Committee on World Food Security (CFS) held its Thirty-eighth (Special) Session on 11 May 2012 at FAO Headquarters in Rome. The Session was attended by delegates from 82 Members of the Committee; by participants from:

- 3 United Nations agencies and bodies;
- 14 civil society and non-governmental organizations;
- 3 Private sector associations and private philanthropic foundations

and 2 observers. The full list of Members, Participants and Observers is available as document CFS 2012/38/Inf.2 at the CFS homepage (http://www.fao.org/bodies/cfs/cfs38/en/).

2. The Report contains the following annexes: Appendix A — Agenda of the Session; Appendix B — Membership of the Committee; Appendix C — List of documents; Appendix D — Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security.

3. The Committee was informed that the European Union (EU) was participating in accordance with paragraphs 8 and 9 of article II of the FAO Constitution.

4. The Session was opened by Mr. Yaya Olaniran of Nigeria as Chairperson, who introduced the item "Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT)" (CFS 2012/38/2). The Chair summarized the conduct and process of the

negotiations and presented the text of the VGGT as agreed by the Open-ended Working Group (OEWG).

5. Opening statements were delivered by Mr. José Graziano da Silva, Director-General, Food and Agriculture Organization of the United Nations (FAO); Mr. Carlos Sere, Chief Development Strategist, International Fund for Agricultural Development (IFAD); and Mr. Amir Abdulla, Deputy Executive Director and Chief Operating Officer, World Food Programme (WFP).[1] Other statements were made after endorsement of the VGGT which, when requested, are also appended to this report.

[1] The opening statements are available on the CFS webpage: http://www.fao.org/bodies/cfs/cfs38/en/ as CFS 2012/38/Inf.4; CFS 2012/38/Inf.5 and CFS 2012/38/Inf.6 respectively.

Appendix D

Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security

Preface

The purpose of these Voluntary Guidelines is to serve as a reference and to provide guidance to improve the governance of tenure of land, fisheries and forests with the overarching goal of achieving food security for all and to support the progressive realization of the right to adequate food in the context of national food security.

These Guidelines are intended to contribute to the global and national efforts towards the eradication of hunger and poverty, based on the principles of sustainable development and with the recognition of the centrality of land to development by promoting secure tenure rights and equitable access to land, fisheries and forests.

The eradication of hunger and poverty, and the sustainable use of the environment, depend in large measure on how people, communities and others gain access to land, fisheries and forests. The livelihoods of many, particularly the rural poor, are based on secure and equitable access to and control over these resources. They are the source of food and shelter; the basis for social, cultural and religious practices; and a central factor in economic growth.

It is important to note that responsible governance of tenure of land, fisheries and forests is inextricably linked with access to and management of other natural resources, such as water and mineral resources. While recognizing the existence of different models and systems of governance of these natural resources under national contexts, States may wish to take the governance of these associated natural resources into account in their implementation of these Guidelines, as appropriate.

How people, communities and others gain access to land, fisheries and forests is defined and regulated by societies through systems of tenure. These tenure systems determine who can use which resources, for how long, and under what conditions. The systems may be based on written policies and laws, as well as on unwritten customs and practices. Tenure systems increasingly face stress as the world's growing population requires food security, and as environmental degradation and climate change reduce the availability of land, fisheries and forests. Inadequate and insecure tenure rights increase vulnerability, hunger and poverty, and can lead to conflict and environmental degradation when competing users fight for control of these resources.

The governance of tenure is a crucial element in determining if and how people, communities and others are able to acquire rights, and associated duties, to use and control land, fisheries and forests. Many tenure problems arise because of weak governance, and attempts to address tenure problems are affected by the quality of governance. Weak governance adversely affects social stability, sustainable use of the environment, investment and economic growth. People can be condemned to a life of hunger and poverty if they lose their tenure rights to their homes, land, fisheries and forests and their livelihoods because of corrupt tenure

practices or if implementing agencies fail to protect their tenure rights. People may even lose their lives when weak tenure governance leads to violent conflict. Responsible governance of tenure conversely promotes sustainable social and economic development that can help eradicate poverty and food insecurity, and encourages responsible investment.

In response to growing and widespread interest, FAO and its partners embarked on the development of guidelines on responsible tenure governance. This initiative built on and supports the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security (Voluntary Guidelines on the Right to Food), which were adopted by the FAO Council at its Hundred and Twenty-seventh Session in November 2004, and the 2006 International Conference on Agrarian Reform and Rural Development (ICARRD).

At its Thirty-sixth Session in October 2010, the Committee on World Food Security (CFS) encouraged the continuation of the inclusive process for developing these Guidelines with a view to submitting them for the consideration of the CFS, and decided to establish an open-ended working group of the CFS to review the first draft of the Guidelines.

These Guidelines closely follow the format of other FAO voluntary instruments that set out principles and internationally accepted standards for responsible practices: Voluntary Guidelines on the Right to Food; Code of Conduct for Responsible Fisheries; International Code of Conduct on the Distribution and Use of Pesticides; Responsible Management of Planted Forests: Voluntary Guidelines; and Fire Management Voluntary Guidelines: Principles and Strategic Actions. These instruments are relatively short documents that provide frameworks that can be used when developing strategies, policies, laws, programmes and activities. They are accompanied by a wide range of additional documents, such as supplementary guidelines that provide technical details on specific aspects when necessary, training and advocacy materials, and further guidance to assist with implementation.

These Guidelines will be presented to the CFS for consideration in May 2012. They were developed by the open-ended working group in sessions in June, July and October 2011 and in March 2012. They are based on an inclusive process of consultations that occurred during 2009-2010. Regional consultations were held in Brazil, Burkina Faso, Ethiopia, Jordan, Namibia, Panama, Romania, the Russian Federation, Samoa and Viet Nam. These regional consultations brought together almost 700 people, from 133 countries, representing the public and private sectors, civil society and academia. Four consultations, held specifically for civil society of Africa (in Mali); of Asia (in Malaysia); of Europe and Central and West Asia (in Italy); and of Latin America (in Brazil), were attended by almost 200 people from 70 countries, and an additional private sector consultation drew over 70 people from 21 countries. These Guidelines also incorporate proposals received through an electronic consultation on the zero draft. Proposals to improve the zero draft were received from the public and private sectors, civil society and academia, and from around the world.

These Guidelines are consistent with, and draw on, international and regional instruments, including the Millennium Development Goals, that address human rights and tenure rights. When readers of these Guidelines seek to improve tenure governance, they are encouraged to regularly review such instruments for their applicable obligations and voluntary commitments, and to gain additional guidance.

Part 1: Preliminary

1. Objectives

1.1 These Voluntary Guidelines seek to improve governance of tenure of land,* fisheries and forests. They seek to do so for the benefit of all, with an emphasis on vulnerable and marginalized people, with the goals of food security and progressive realization of the right to adequate food, poverty eradication, sustainable livelihoods, social stability, housing security, rural development, environmental protection and sustainable social and economic development. All programmes, policies and technical assistance to improve governance of tenure through the implementation of these Guidelines should be consistent with States' existing obligations under international law, including the Universal Declaration of Human Rights and other international human rights instruments.

1.2 These Guidelines seek to:

1. Improve tenure governance by providing guidance and information on internationally accepted practices for systems that deal with the rights to use, manage and control land, fisheries and forests.

2. Contribute to the improvement and development of the policy, legal and organizational frameworks regulating the range of tenure rights that exist over these resources.

3. Enhance the transparency and improve the functioning of tenure systems.

4. Strengthen the capacities and operations of implementing agencies; judicial authorities; local governments; organizations of farmers and small-scale producers, of fishers, and of forest users; pastoralists; indigenous peoples and other communities; civil society; private sector; academia; and all persons concerned with tenure governance as well as to promote the cooperation between the actors mentioned.

2. Nature and scope

2.1 These Guidelines are voluntary.

2.2 These Guidelines should be interpreted and applied consistent with existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments. They are complementary to, and support, national, regional and international initiatives that address human rights and provide secure tenure rights to land, fisheries and forests, and also initiatives to improve governance. Nothing in these Guidelines should be read as limiting or undermining any legal obligations to which a State may be subject under international law.

2.3 These Guidelines can be used by States; implementing agencies; judicial authorities; local governments; organizations of farmers and small-scale producers, of fishers, and of forest users; pastoralists; indigenous peoples and other communities; civil society; private sector; academia; and all persons concerned to assess tenure governance and identify improvements and apply them.

* There is no international definition of land within the context of tenure. The meaning of the word may be defined within the national context.

2.4 These Guidelines are global in scope. Taking into consideration the national context, they may be used by all countries and regions at all stages of economic development and for the governance of all forms of tenure, including public, private, communal, collective, indigenous and customary.

2.5 These Guidelines should be interpreted and applied in accordance with national legal systems and their institutions.

Part 2: General matters

This part addresses aspects of the governance of tenure of land, fisheries and forests with regard to rights and responsibilities; policy, legal and organizational frameworks; and delivery of services.

In the context of governance of tenure States have obligations under applicable international human rights instruments. Part 2 should be read in accordance with paragraph 2.2.

3. Guiding principles of responsible tenure governance

3A General principles

3.1 States should:

1. Recognize and respect all legitimate tenure right holders and their rights. They should take reasonable measures to identify, record and respect legitimate tenure right holders and their rights, whether formally recorded or not; to refrain from infringement of tenure rights of others; and to meet the duties associated with tenure rights.

2. Safeguard legitimate tenure rights against threats and infringements. They should protect tenure right holders against the arbitrary loss of their tenure rights, including forced evictions that are inconsistent with their existing obligations under national and international law.

3. Promote and facilitate the enjoyment of legitimate tenure rights. They should take active measures to promote and facilitate the full realization of tenure rights or the making of transactions with the rights, such as ensuring that services are accessible to all.

4. Provide access to justice to deal with infringements of legitimate tenure rights. They should provide effective and accessible means to everyone, through judicial authorities or other approaches, to resolve disputes over tenure rights; and to provide affordable and prompt enforcement of outcomes. States should provide prompt, just compensation where tenure rights are taken for public purposes.

5. Prevent tenure disputes, violent conflicts and corruption. They should take active measures to prevent tenure disputes from arising and from escalating into violent conflicts. They should endeavour to prevent corruption in all forms, at all levels, and in all settings.

3.2 Non-State actors including business enterprises have a responsibility to respect human rights and legitimate tenure rights. Business enterprises should act with due diligence to avoid infringing on the human rights and legitimate tenure rights of

others. They should include appropriate risk management systems to prevent and address adverse impacts on human rights and legitimate tenure rights. Business enterprises should provide for and cooperate in non-judicial mechanisms to provide remedy, including effective operational-level grievance mechanisms, where appropriate, where they have caused or contributed to adverse impacts on human rights and legitimate tenure rights. Business enterprises should identify and assess any actual or potential impacts on human rights and legitimate tenure rights in which they may be involved. States, in accordance with their international obligations, should provide access to effective judicial remedies for negative impacts on human rights and legitimate tenure rights by business enterprises. Where transnational corporations are involved, their home States have roles to play in assisting both those corporations and host States to ensure that businesses are not involved in abuse of human rights and legitimate tenure rights. States should take additional steps to protect against abuses of human rights and legitimate tenure rights by business enterprises that are owned or controlled by the State, or that receive substantial support and service from State agencies.

3B Principles of implementation

These principles of implementation are essential to contribute to responsible governance of tenure of land, fisheries and forests.

1. **Human dignity**: recognizing the inherent dignity and the equal and inalienable human rights of all individuals.

2. **Non-discrimination**: no one should be subject to discrimination under law and policies as well as in practice.

3. **Equity and justice**: recognizing that equality between individuals may require acknowledging differences between individuals, and taking positive action, including empowerment, in order to promote equitable tenure rights and access to land, fisheries and forests, for all, women and men, youth and vulnerable and traditionally marginalized people, within the national context.

4. **Gender equality**: Ensure the equal right of women and men to the enjoyment of all human rights, while acknowledging differences between women and men and taking specific measures aimed at accelerating de facto equality when necessary. States should ensure that women and girls have equal tenure rights and access to land, fisheries and forests independent of their civil and marital status.

5. **Holistic and sustainable approach**: recognizing that natural resources and their uses are interconnected, and adopting an integrated and sustainable approach to their administration.

6. **Consultation and participation**: engaging with and seeking the support of those who, having legitimate tenure rights, could be affected by decisions, prior to decisions being taken, and responding to their contributions; taking into consideration existing power imbalances between different parties and ensuring active, free, effective, meaningful and informed participation of individuals and groups in associated decision-making processes.

7. **Rule of law**: adopting a rules-based approach through laws that are widely publicized in applicable languages, applicable to all, equally enforced

and independently adjudicated, and that are consistent with their existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments.

8. **Transparency**: clearly defining and widely publicizing policies, laws and procedures in applicable languages, and widely publicizing decisions in applicable languages and in formats accessible to all.

9. **Accountability**: holding individuals, public agencies and non-State actors responsible for their actions and decisions according to the principles of the rule of law.

10. **Continuous improvement**: States should improve mechanisms for monitoring and analysis of tenure governance in order to develop evidence-based programmes and secure on-going improvements.

4. Rights and responsibilities related to tenure

4.1 States should strive to ensure responsible governance of tenure because land, fisheries and forests are central for the realization of human rights, food security, poverty eradication, sustainable livelihoods, social stability, housing security, rural development, and social and economic growth.

4.2 States should ensure that all actions regarding tenure and its governance are consistent with their existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments.

4.3 All parties should recognize that no tenure right, including private ownership, is absolute. All tenure rights are limited by the rights of others and by the measures taken by States necessary for public purposes. Such measures should be determined by law, solely for the purpose of promoting general welfare including environmental protection and consistent with States' human rights obligations. Tenure rights are also balanced by duties. All should respect the long-term protection and sustainable use of land, fisheries and forests.

4.4 Based on an examination of tenure rights in line with national law, States should provide legal recognition for legitimate tenure rights not currently protected by law. Policies and laws that ensure tenure rights should be non-discriminatory and gender sensitive. Consistent with the principles of consultation and participation of these Guidelines, States should define through widely publicized rules the categories of rights that are considered legitimate. All forms of tenure should provide all persons with a degree of tenure security which guarantees legal protection against forced evictions that are inconsistent with States' existing obligations under national and international law, and against harassment and other threats.

4.5 States should protect legitimate tenure rights, and ensure that people are not arbitrarily evicted and that their legitimate tenure rights are not otherwise extinguished or infringed.

4.6 States should remove and prohibit all forms of discrimination related to tenure rights, including those resulting from change of marital status, lack of legal capacity, and lack of access to economic resources. In particular, States should ensure equal tenure rights for women and men, including the right to inherit and

bequeath these rights. Such State actions should be consistent with their existing obligations under relevant national law and legislation and international law, and with due regard to voluntary commitments under applicable regional and international instruments.

4.7 States should consider providing non-discriminatory and gender-sensitive assistance where people are unable through their own actions to acquire tenure rights to sustain themselves, to gain access to the services of implementing agencies and judicial authorities, or to participate in processes that could affect their tenure rights.

4.8 Given that all human rights are universal, indivisible, interdependent and interrelated, the governance of tenure of land, fisheries and forests should not only take into account rights that are directly linked to access and use of land, fisheries and forests, but also all civil, political, economic, social and cultural rights. In doing so, States should respect and protect the civil and political rights of defenders of human rights, including the human rights of peasants, indigenous peoples, fishers, pastoralists and rural workers, and should observe their human rights obligations when dealing with individuals and associations acting in defence of land, fisheries and forests.

4.9 States should provide access through impartial and competent judicial and administrative bodies to timely, affordable and effective means of resolving disputes over tenure rights, including alternative means of resolving such disputes, and should provide effective remedies, which may include a right of appeal, as appropriate. Such remedies should be promptly enforced and may include restitution, indemnity, compensation and reparation. States should strive to ensure that vulnerable and marginalized persons have access to such means, in line with paragraphs 6.6 and 21.6. States should ensure that any person whose human rights are violated in the context of tenure has access to such means of dispute resolution and remedies.

4.10 States should welcome and facilitate the participation of users of land, fisheries and forests in order to be fully involved in a participatory process of tenure governance, inter alia, formulation and implementation of policy and law and decisions on territorial development, as appropriate to the roles of State and non-State actors, and in line with national law and legislation.

5. Policy, legal and organizational frameworks related to tenure

5.1 States should provide and maintain policy, legal and organizational frameworks that promote responsible governance of tenure of land, fisheries and forests. These frameworks are dependent on, and are supported by, broader reforms to the legal system, public service and judicial authorities.

5.2 States should ensure that policy, legal and organizational frameworks for tenure governance are consistent with their existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments.

5.3 States should ensure that policy, legal and organizational frameworks for tenure governance recognize and respect, in accordance with national laws, legitimate tenure rights including legitimate customary tenure rights that are not currently protected by law; and facilitate, promote and protect the exercise of tenure rights. Frameworks should reflect the social, cultural, economic and environmental significance of land, fisheries and forests. States should provide frameworks that are

non-discriminatory and promote social equity and gender equality. Frameworks should reflect the interconnected relationships between land, fisheries and forests and their uses, and establish an integrated approach to their administration.

5.4 States should consider the particular obstacles faced by women and girls with regard to tenure and associated tenure rights, and take measures to ensure that legal and policy frameworks provide adequate protection for women and that laws that recognize women's tenure rights are implemented and enforced. States should ensure that women can legally enter into contracts concerning tenure rights on the basis of equality with men and should strive to provide legal services and other assistance to enable women to defend their tenure interests.

5.5 States should develop relevant policies, laws and procedures through participatory processes involving all affected parties, ensuring that both men and women are included from the outset. Policies, laws and procedures should take into account the capacity to implement. They should incorporate gender-sensitive approaches, be clearly expressed in applicable languages, and widely publicized.

5.6 States should place responsibilities at levels of government that can most effectively deliver services to the people. States should clearly define the roles and responsibilities of agencies dealing with tenure of land, fisheries and forests. States should ensure coordination between implementing agencies, as well as with local governments, and indigenous peoples and other communities with customary tenure systems.

5.7 States should define and publicize opportunities for civil society, private sector and academia to contribute to developing and implementing policy, legal and organizational frameworks as appropriate.

5.8 States and other parties should regularly review and monitor policy, legal and organizational frameworks to maintain their effectiveness. Implementing agencies and judicial authorities should engage with civil society, user representatives and the broader public to improve services and endeavour to prevent corruption through transparent processes and decision-making. Information about changes and their anticipated impacts should be clearly stated and widely publicized in applicable languages.

5.9 States should recognize that policies and laws on tenure rights operate in the broader political, legal, social, cultural, religious, economic and environmental contexts. Where the broader contexts change, and where reforms to tenure are therefore required, States should seek to develop national consensus on proposed reforms.

6. Delivery of services**

6.1 To the extent that resources permit, States should ensure that implementing agencies and judicial authorities have the human, physical, financial and other forms of capacity to implement policies and laws in a timely, effective and gender-sensitive manner. Staff at all organizational levels should receive continuous training, and be recruited with due regard to ensuring gender and social equality.

** Section 6 guides in particular the reading of sections 17 to 21.

6.2 States should ensure that the delivery of services related to tenure and its administration are consistent with their existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments.

6.3 States should provide prompt, accessible and non-discriminatory services to protect tenure rights, to promote and facilitate the enjoyment of those rights, and to resolve disputes. States should eliminate unnecessary legal and procedural requirements and strive to overcome barriers related to tenure rights. States should review services of implementing agencies and judicial authorities, and introduce improvements where required.

6.4 States should ensure that implementing agencies and judicial authorities serve the entire population, delivering services to all, including those in remote locations. Services should be provided promptly and efficiently using locally suitable technology to increase efficiency and accessibility. Internal guidelines should be established so that staff can implement policies and laws in a reliable and consistent manner. Procedures should be simplified without threatening tenure security or quality of justice. Explanatory materials should be widely publicized in applicable languages and inform users of their rights and responsibilities.

6.5 States should establish policies and laws to promote the sharing, as appropriate, of spatial and other information on tenure rights for the effective use by the State and implementing agencies, indigenous peoples and other communities, civil society, the private sector, academia and the general public. National standards should be developed for the shared use of information, taking into account regional and international standards.

6.6 States and other parties should consider additional measures to support vulnerable or marginalized groups who could not otherwise access administrative and judicial services. These measures should include legal support, such as affordable legal aid, and may also include the provision of services of paralegals or parasurveyors, and mobile services for remote communities and mobile indigenous peoples.

6.7 States should encourage implementing agencies and judicial authorities to foster a culture based on service and ethical behaviour. Agencies and judicial authorities should seek regular feedback, such as through surveys and focus groups, to raise standards and improve delivery of services, to meet expectations, and to satisfy new needs. They should publish performance standards and report regularly on results. Users should have means of addressing complaints either within the implementing agency, such as by administrative review, or externally, such as by an independent review or through an ombudsman.

6.8 Relevant professional associations for services related to tenure should develop, publicize and monitor the implementation of high levels of ethical behaviour. Public and private sector parties should adhere to applicable ethical standards, and be subject to disciplinary action in case of violations. Where such associations do not exist, States should ensure an environment conducive to their establishment.

6.9 States and non-State actors should endeavour to prevent corruption with regard to tenure rights. States should do so particularly through consultation and participation, rule of law, transparency and accountability. States should adopt and enforce anti-corruption measures including applying checks and balances, limiting

the arbitrary use of power, addressing conflicts of interest and adopting clear rules and regulations. States should provide for the administrative and/or judicial review of decisions of implementing agencies. Staff working on the administration of tenure should be held accountable for their actions. They should be provided with the means of conducting their duties effectively. They should be protected against interference in their duties and from retaliation for reporting acts of corruption.

Part 3: Legal recognition and allocation of tenure rights and duties

This part addresses the governance of tenure of land, fisheries and forests with regard to the legal recognition of tenure rights of indigenous peoples and other communities with customary tenure systems, as well as of informal tenure rights; and the initial allocation of tenure rights to land, fisheries and forests that are owned or controlled by the public sector.

7. Safeguards

7.1 When States recognize or allocate tenure rights to land, fisheries and forests, they should establish, in accordance with national laws, safeguards to avoid infringing on or extinguishing tenure rights of others, including legitimate tenure rights that are not currently protected by law. In particular, safeguards should protect women and the vulnerable who hold subsidiary tenure rights, such as gathering rights.

7.2 States should ensure that all actions regarding the legal recognition and allocation of tenure rights and duties are consistent with their existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments.

7.3 Where States intend to recognize or allocate tenure rights, they should first identify all existing tenure rights and right holders, whether recorded or not. Indigenous peoples and other communities with customary tenure systems, smallholders and anyone else who could be affected should be included in the consultation process, consistent with paragraphs 3B.6 and 9.9. States should provide access to justice, consistent with paragraph 4.9 if people believe their tenure rights are not recognized.

7.4 States should ensure that women and men enjoy the same rights in the newly recognized tenure rights, and that those rights are reflected in records. Where possible, legal recognition and allocation of tenure rights of individuals, families and communities should be done systematically, progressing area by area in accordance with national priorities, in order to provide the poor and vulnerable with full opportunities to acquire legal recognition of their tenure rights. Legal support should be provided, particularly to the poor and vulnerable. Locally appropriate approaches should be used to increase transparency when records of tenure rights are initially created, including in the mapping of tenure rights.

7.5 States should ensure that people whose tenure rights are recognized or who are allocated new tenure rights have full knowledge of their rights and also their duties. Where necessary, States should provide support to such people so that they can enjoy their tenure rights and fulfil their duties.

7.6 Where it is not possible to provide legal recognition of tenure rights, States should prevent forced evictions that are inconsistent with their existing obligations

under national and international law, and in accordance with the principles of these Guidelines.

8. Public land, fisheries and forests

8.1 Where States own or control land, fisheries and forests, they should determine the use and control of these resources in light of broader social, economic and environmental objectives. They should ensure that all actions are consistent with their existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments.

8.2 Where States own or control land, fisheries and forests, the legitimate tenure rights of individuals and communities, including where applicable those with customary tenure systems, should be recognized, respected and protected, consistent with existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments. To this end, categories of legitimate tenure rights should be clearly defined and publicized, through a transparent process, and in accordance with national law.

8.3 Noting that there are publicly-owned land, fisheries and forests that are collectively used and managed (in some national contexts referred to as commons), States should, where applicable, recognize and protect such publicly-owned land, fisheries and forests and their related systems of collective use and management, including in processes of allocation by the State.

8.4 States should strive to establish up-to-date tenure information on land, fisheries and forests that they own or control by creating and maintaining accessible inventories. Such inventories should record the agencies responsible for administration as well as any legitimate tenure rights held by indigenous peoples and other communities with customary tenure systems and the private sector. Where possible, States should ensure that the publicly-held tenure rights are recorded together with tenure rights of indigenous peoples and other communities with customary tenure systems and the private sector in a single recording system, or are linked to them by a common framework.

8.5 States should determine which of the land, fisheries and forests they own or control will be retained and used by the public sector, and which of these will be allocated for use by others and under what conditions.

8.6 States should develop and publicize policies covering the use and control of land, fisheries and forests that are retained by the public sector and should strive to develop policies that promote equitable distribution of benefits from State-owned land, fisheries and forests. Policies should take into account the tenure rights of others and anyone who could be affected should be included in the consultation process consistent with the principles of consultation and participation of these Guidelines. The administration of, and transactions concerning, these resources should be undertaken in an effective, transparent and accountable manner in fulfilment of public policies.

8.7 States should develop and publicize policies covering the allocation of tenure rights to others and, where appropriate, the delegation of responsibilities for tenure governance. Policies for allocation of tenure rights should be consistent with broader social, economic and environmental objectives. Local communities that have traditionally used the land, fisheries and forests should receive due

consideration in the reallocation of tenure rights. Policies should take into account the tenure rights of others and anyone who could be affected should be included in the consultation, participation and decision-making processes. Such policies should ensure that the allocation of tenure rights does not threaten the livelihoods of people by depriving them of their legitimate access to these resources.

8.8 States have the power to allocate tenure rights in various forms, from limited use to full ownership. Policies should recognize the range of tenure rights and right holders. Policies should specify the means of allocation of rights, such as allocation based on historical use or other means. Where necessary, those who are allocated tenure rights should be provided with support so they can enjoy their rights. States should determine whether they retain any form of control over land, fisheries and forests that have been allocated.

8.9 States should allocate tenure rights and delegate tenure governance in transparent, participatory ways, using simple procedures that are clear, accessible and understandable to all, especially to indigenous peoples and other communities with customary tenure systems. Information in applicable languages should be provided to all potential participants, including through gender-sensitive messages. Where possible, States should ensure that newly allocated tenure rights are recorded with other tenure rights in a single recording system, or are linked by a common framework. States and non-State actors should further endeavour to prevent corruption in the allocation of tenure rights.

8.10 To the extent that resources permit, States should ensure that competent bodies responsible for land, fisheries and forests have the human, physical, financial and other forms of capacity. Where responsibilities for tenure governance are delegated, the recipients should receive training and other support so they can perform those responsibilities.

8.11 States should monitor the outcome of allocation programmes, including the gender-differentiated impacts on food security and poverty eradication as well as their impacts on social, economic and environmental objectives, and introduce corrective measures as required.

9. Indigenous peoples and other communities with customary tenure systems

9.1 State and non-State actors should acknowledge that land, fisheries and forests have social, cultural, spiritual, economic, environmental and political value to indigenous peoples and other communities with customary tenure systems.

9.2 Indigenous peoples and other communities with customary tenure systems that exercise self-governance of land, fisheries and forests should promote and provide equitable, secure and sustainable rights to those resources, with special attention to the provision of equitable access for women. Effective participation of all members, men, women and youth, in decisions regarding their tenure systems should be promoted through their local or traditional institutions, including in the case of collective tenure systems. Where necessary, communities should be assisted to increase the capacity of their members to participate fully in decision-making and governance of their tenure systems.

9.3 States should ensure that all actions are consistent with their existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments. In the case of

indigenous peoples, States should meet their relevant obligations and voluntary commitments to protect, promote and implement human rights, including as appropriate from the International Labour Organization Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries, the Convention on Biological Diversity and the United Nations Declaration on the Rights of Indigenous Peoples.

9.4 States should provide appropriate recognition and protection of the legitimate tenure rights of indigenous peoples and other communities with customary tenure systems, consistent with existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments. Such recognition should take into account the land, fisheries and forests that are used exclusively by a community and those that are shared, and respect the general principles of responsible governance. Information on any such recognition should be publicized in an accessible location, in an appropriate form which is understandable and in applicable languages.

9.5 Where indigenous peoples and other communities with customary tenure systems have legitimate tenure rights to the ancestral lands on which they live, States should recognize and protect these rights. Indigenous peoples and other communities with customary tenure systems should not be forcibly evicted from such ancestral lands.

9.6 States should consider adapting their policy, legal and organizational frameworks to recognize tenure systems of indigenous peoples and other communities with customary tenure systems. Where constitutional or legal reforms strengthen the rights of women and place them in conflict with custom, all parties should cooperate to accommodate such changes in the customary tenure systems.

9.7 States should, in drafting tenure policies and laws, take into account the social, cultural, spiritual, economic and environmental values of land, fisheries and forests held under tenure systems of indigenous peoples and other communities with customary tenure systems. There should be full and effective participation of all members or representatives of affected communities, including vulnerable and marginalized members, when developing policies and laws related to tenure systems of indigenous peoples and other communities with customary tenure systems.

9.8 States should protect indigenous peoples and other communities with customary tenure systems against the unauthorized use of their land, fisheries and forests by others. Where a community does not object, States should assist to formally document and publicize information on the nature and location of land, fisheries and forests used and controlled by the community. Where tenure rights of indigenous peoples and other communities with customary tenure systems are formally documented, they should be recorded with other public, private and communal tenure rights to prevent competing claims.

9.9 States and other parties should hold good faith consultation with indigenous peoples before initiating any project or before adopting and implementing legislative or administrative measures affecting the resources for which the communities hold rights. Such projects should be based on an effective and meaningful consultation with indigenous peoples, through their own representative institutions in order to obtain their free, prior and informed consent under the United Nations Declaration of Rights of Indigenous Peoples and with due regard for

particular positions and understandings of individual States. Consultation and decision-making processes should be organized without intimidation and be conducted in a climate of trust. The principles of consultation and participation, as set out in paragraph 3B.6, should be applied in the case of other communities described in this section.

9.10 State and non-State actors should strive, where necessary, together with representative institutions of affected communities and in cooperation with affected communities, to provide technical and legal assistance to affected communities to participate in the development of tenure policies, laws and projects in non-discriminatory and gender-sensitive ways.

9.11 States should respect and promote customary approaches used by indigenous peoples and other communities with customary tenure systems to resolving tenure conflicts within communities consistent with their existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments. For land, fisheries and forests that are used by more than one community, means of resolving conflict between communities should be strengthened or developed.

9.12 States and non-State actors should endeavour to prevent corruption in relation to tenure systems of indigenous peoples and other communities with customary tenure systems, by consultation and participation, and by empowering communities.

10. Informal tenure

10.1 Where informal tenure to land, fisheries and forests exists, States should acknowledge it in a manner that respects existing formal rights under national law and in ways that recognize the reality of the situation and promote social, economic and environmental well-being. States should promote policies and laws to provide recognition to such informal tenure. The process of establishing these policies and laws should be participatory, gender sensitive and strive to make provision for technical and legal support to affected communities and individuals. In particular, States should acknowledge the emergence of informal tenure arising from large-scale migrations.

10.2 States should ensure that all actions regarding informal tenure are consistent with their existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments, including as appropriate to the right to adequate housing.

10.3 Whenever States provide legal recognition to informal tenure, this should be done through participatory, gender-sensitive processes, having particular regard to tenants. In doing so, States should pay special attention to farmers and small-scale food producers. These processes should facilitate access to legalization services and minimize costs. State should strive to provide technical and legal support to communities and participants.

10.4 States should take all appropriate measures to limit the informal tenure that results from overly complex legal and administrative requirements for land use change and development on land. Development requirements and processes should be clear, simple and affordable to reduce the burden of compliance.

10.5 States should endeavour to prevent corruption, particularly through increasing transparency, holding decision-makers accountable, and ensuring that impartial decisions are delivered promptly.

10.6 Where it is not possible to provide legal recognition to informal tenure, States should prevent forced evictions that violate existing obligations under national and international law, and consistent with relevant provisions under Section 16.

Part 4: Transfers and other changes to tenure rights and duties

This part addresses the governance of tenure of land, fisheries and forests when existing rights and associated duties are transferred or reallocated through voluntary and involuntary ways through markets, transactions in tenure rights as a result of investments, land consolidation and other readjustment approaches, restitution, redistributive reforms or expropriation.

11. Markets

11.1 Where appropriate, States should recognize and facilitate fair and transparent sale and lease markets as a means of transfer of rights of use and ownership of land, fisheries and forests. Where markets in tenure rights operate, States should ensure that all actions are consistent with their existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments. Transactions of tenure rights to land, fisheries and forests should comply with national regulation of land use and not jeopardize core development goals.

11.2 States should facilitate the operations of efficient and transparent markets to promote participation under equal conditions and opportunities for mutually beneficial transfers of tenure rights which lessen conflict and instability; promote the sustainable use of land, fisheries and forests and conservation of the environment; promote the fair and equitable use of genetic resources associated with land, fisheries and forests in accordance with applicable treaties; expand economic opportunities; and increase participation by the poor. States should take measures to prevent undesirable impacts on local communities, indigenous peoples and vulnerable groups that may arise from, inter alia, land speculation, land concentration and abuse of customary forms of tenure. States and other parties should recognize that values, such as social, cultural and environmental values, are not always well served by unregulated markets. States should protect the wider interests of societies through appropriate policies and laws on tenure.

11.3 States should establish policies, laws and regulatory systems and agencies to ensure transparent and efficient market operations, to provide non-discriminatory access, and to prevent uncompetitive practices. States should simplify administrative procedures in order to avoid discouragement of market participation by the poor and the most vulnerable.

11.4 States and other parties should ensure that information on market transactions and information on market values are transparent and widely publicized, subject to privacy restrictions. States should monitor this information and take action where markets have adverse impacts or discourage wide and equitable market participation.

11.5 States should establish appropriate and reliable recording systems, such as land registries, that provide accessible information on tenure rights and duties in order to increase tenure security and to reduce the costs and risks of transactions.

11.6 States should establish safeguards to protect the legitimate tenure rights of spouses, family members and others who are not shown as holders of tenure rights in recording systems, such as land registries.

11.7 State and non-State actors should adhere to applicable ethical standards. They should publicize and monitor the implementation of these standards in the operation of markets in order to prevent corruption, particularly through public disclosure.

11.8 Given the importance of small-scale producers for national food security and social stability, States should ensure that when facilitating market operations of tenure transactions, they protect the tenure rights of small-scale producers.

12. Investments

12.1 State and non-State actors should acknowledge that responsible public and private investments are essential to improve food security. Responsible governance of tenure of land, fisheries and forests encourages tenure right holders to make responsible investments in these resources, increasing sustainable agricultural production and generating higher incomes. States should promote and support responsible investments in land, fisheries and forests that support broader social, economic and environmental objectives under a variety of farming systems. States should ensure that all actions are consistent with their existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments.

12.2 Considering that smallholder producers and their organizations in developing countries provide a major share of agricultural investments that contribute significantly to food security, nutrition, poverty eradication and environmental resilience, States should support investments by smallholders as well as public and private smallholder-sensitive investments.

12.3 All forms of transactions in tenure rights as a result of investments in land, fisheries and forests should be done transparently in line with relevant national sectoral policies and be consistent with the objectives of social and economic growth and sustainable human development focusing on smallholders.

12.4 Responsible investments should do no harm, safeguard against dispossession of legitimate tenure right holders and environmental damage, and should respect human rights. Such investments should be made working in partnership with relevant levels of government and local holders of tenure rights to land, fisheries and forests, respecting their legitimate tenure rights. They should strive to further contribute to policy objectives, such as poverty eradication; food security and sustainable use of land, fisheries and forests; support local communities; contribute to rural development; promote and secure local food production systems; enhance social and economic sustainable development; create employment; diversify livelihoods; provide benefits to the country and its people, including the poor and most vulnerable; and comply with national laws and international core labour standards as well as, when applicable, obligations related to standards of the International Labour Organization.

12.5 States should, with appropriate consultation and participation, provide transparent rules on the scale, scope and nature of allowable transactions in tenure rights and should define what constitutes large-scale transactions in tenure rights in their national context.

12.6 States should provide safeguards to protect legitimate tenure rights, human rights, livelihoods, food security and the environment from risks that could arise from large-scale transactions in tenure rights. Such safeguards could include introducing ceilings on permissible land transactions and regulating how transfers exceeding a certain scale should be approved, such as by parliamentary approval. States should consider promoting a range of production and investment models that do not result in the large-scale transfer of tenure rights to investors, and should encourage partnerships with local tenure right holders.

12.7 In the case of indigenous peoples and their communities, States should ensure that all actions are consistent with their existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments, including as appropriate from the International Labour Organization Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries and the United Nations Declaration on the Rights of Indigenous Peoples. States and other parties should hold good faith consultation with indigenous peoples before initiating any investment project affecting the resources for which the communities hold rights. Such projects should be based on an effective and meaningful consultation with members of indigenous peoples as described in paragraph 9.9. The principles of consultation and participation of these Guidelines should be applied for investments that use the resources of other communities.

12.8 States should determine with all affected parties, consistent with the principles of consultation and participation of these Guidelines, the conditions that promote responsible investments and then should develop and publicize policies and laws that encourage responsible investments, respect human rights, and promote food security and sustainable use of the environment. Laws should require agreements for investments to clearly define the rights and duties of all parties to the agreement. Agreements for investments should comply with national legal frameworks and investment codes.

12.9 States should make provision for investments involving all forms of transactions of tenure rights, including acquisitions and partnership agreements, to be consistent with the principles of consultation and participation of these Guidelines, with those whose tenure rights, including subsidiary rights, might be affected. States and other relevant parties should inform individuals, families and communities of their tenure rights, and assist to develop their capacity in consultations and participation, including providing professional assistance as required.

12.10 When investments involving large-scale transactions of tenure rights, including acquisitions and partnership agreements, are being considered, States should strive to make provisions for different parties to conduct prior independent assessments on the potential positive and negative impacts that those investments could have on tenure rights, food security and the progressive realization of the right to adequate food, livelihoods and the environment. States should ensure that existing legitimate tenure rights and claims, including those of customary and informal tenure, are systematically and impartially identified, as well as the rights and livelihoods of

other people also affected by the investment, such as small-scale producers. This process should be conducted through consultation with all affected parties consistent with the principles of consultation and participation of these Guidelines. States should ensure that existing legitimate tenure rights are not compromised by such investments.

12.11 Contracting parties should provide comprehensive information to ensure that all relevant persons are engaged and informed in the negotiations, and should seek that the agreements are documented and understood by all who are affected. The negotiation process should be non-discriminatory and gender sensitive.

12.12 Investors have the responsibility to respect national law and legislation and recognize and respect tenure rights of others and the rule of law in line with the general principle for non-State actors as contained in these Guidelines. Investments should not contribute to food insecurity and environmental degradation.

12.13 Professionals who provide services to States, investors and holders of tenure rights to land, fisheries and forests should undertake due diligence to the best of their ability when providing their services, irrespective of whether it is specifically requested.

12.14 States and affected parties should contribute to the effective monitoring of the implementation and impacts of agreements involving large-scale transactions in tenure rights, including acquisitions and partnership agreements. States should take corrective action where necessary to enforce agreements and protect tenure and other rights and provide mechanisms whereby aggrieved parties can request such action.

12.15 When States invest or promote investments abroad, they should ensure that their conduct is consistent with the protection of legitimate tenure rights, the promotion of food security and their existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments.

13. Land consolidation and other readjustment approaches

13.1 Where appropriate, States may consider land consolidation, exchanges or other voluntary approaches for the readjustment of parcels or holdings to assist owners and users to improve the layout and use of their parcels or holdings, including for the promotion of food security and rural development in a sustainable manner. States should ensure that all actions are consistent with their obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments, and ensure that participants are at least as well off after the schemes compared with before. These approaches should be used to coordinate the preferences of multiple owners and users in a single legitimate readjustment.

13.2 Where appropriate, States may consider the establishment of land banks as a part of land consolidation programmes to acquire and temporarily hold land parcels until they are allocated to beneficiaries.

13.3 Where appropriate, States may consider encouraging and facilitating land consolidation and land banks in environmental protection and infrastructure projects to facilitate the acquisition of private land for such public projects, and to provide affected owners, farmers and small-scale food producers with land in compensation that will allow them to continue, and even increase, production.

13.4 Where fragmentation of smallholder family farms and forests into many parcels increases production costs, States may consider land consolidation and land banks to improve the structure of those farms and forests. States should refrain from using land consolidation where fragmentation provides benefits, such as risk reduction or crop diversification. Land consolidation projects to restructure farms should be integrated with support programmes for farmers, such as the rehabilitation of irrigation systems and local roads. Measures should be developed to protect the investment of land consolidation by restricting the future subdivision of consolidated parcels.

13.5 States should establish strategies for readjustment approaches that fit particular local requirements. Such strategies should be socially, economically and environmentally sustainable, and gender sensitive. Strategies should identify the principles and objectives of the readjustment approaches; the beneficiaries; and the development of capacity and knowledge in the public sector, the private sector, organizations of farmers and small-scale producers, of fishers, and of forest users, and academia. Laws should establish clear and cost-effective procedures for the reorganization of parcels or holdings and their uses.

13.6 States should establish appropriate safeguards in projects using readjustment approaches. Any individuals, communities or peoples likely to be affected by a project should be contacted and provided with sufficient information in applicable languages. Technical and legal support should be provided. Participatory and gender-sensitive approaches should be used taking into account rights of indigenous peoples. Environmental safeguards should be established to prevent or minimize degradation and loss of biodiversity and reward changes that foster good land management, best practices and reclamation.

14. Restitution

14.1 Where appropriate, considering their national context, States should consider providing restitution for the loss of legitimate tenure rights to land, fisheries and forests. States should ensure that all actions are consistent with their existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments.

14.2 Where possible, the original parcels or holdings should be returned to those who suffered the loss, or their heirs, by resolution of the competent national authorities. Where the original parcel or holding cannot be returned, States should provide prompt and just compensation in the form of money and/or alternative parcels or holdings, ensuring equitable treatment of all affected people.

14.3 Where appropriate, the concerns of indigenous peoples regarding restitution should be addressed in the national context and in accordance with national law and legislation.

14.4 States should develop gender-sensitive policies and laws that provide for clear, transparent processes for restitution. Information on restitution procedures should be widely disseminated in applicable languages. Claimants should be provided with adequate assistance, including through legal and paralegal aid, throughout the process. States should ensure that restitution claims are promptly processed. Where necessary, successful claimants should be provided with support services so that

they can enjoy their tenure rights and fulfil their duties. Progress of implementation should be widely publicized.

15. Redistributive reforms

15.1 Redistributive reforms can facilitate broad and equitable access to land and inclusive rural development. In this regard, where appropriate under national contexts, States may consider allocation of public land, voluntary and market based mechanisms as well as expropriation of private land, fisheries or forests for a public purpose.

15.2 States may consider land ceilings as a policy option in the context of implementing redistributive reforms.

15.3 In the national context and in accordance with national law and legislation, redistributive reforms may be considered for social, economic and environmental reasons, among others, where a high degree of ownership concentration is combined with a significant level of rural poverty attributable to lack of access to land, fisheries and forests respecting, in line with the provisions of Section 15, the rights of all legitimate tenure holders. Redistributive reforms should guarantee equal access of men and women to land, fisheries and forests.

15.4 Where States choose to implement redistributive reforms, they should ensure that the reforms are consistent with their obligations under national and international law, and voluntary commitments under applicable regional and international instruments. Reforms should follow the rule of law and be implemented according to national laws and procedures. States should facilitate the development of consultations, consistent with the principles of these Guidelines, on the redistribution, including balancing the needs of all parties, and on the approaches to be used. Partnerships between the State; communities; civil society; the private sector; organizations of farmers and small-scale food producers, of fishers, and of forest users; and other parties should be developed. The financial and other contributions expected of beneficiaries should be reasonable and not leave them with unmanageable debt loads. Those who give up their tenure rights to land, fisheries and forests should receive equivalent payments without undue delay.

15.5 Where States choose to implement redistributive reforms, they should clearly define the objectives of reform programmes and indicate land exempted from such redistribution. The intended beneficiaries, such as families including those seeking homegardens, women, informal settlement residents, pastoralists, historically disadvantaged groups, marginalized groups, youth, indigenous peoples, gatherers and small-scale food producers, should be clearly defined.

15.6 Where States choose to implement redistributive reforms, they should develop policies and laws, through participatory processes, to make them sustainable. States should ensure that policies and laws assist beneficiaries, whether communities, families or individuals, to earn an adequate standard of living from the land, fisheries and forests they acquire and ensure equal treatment of men and women in redistributive reforms. States should revise policies that might inhibit the achievement and sustainability of the intended effects of the redistributive reforms.

15.7 When redistributive reforms are being considered, States may, if so desired, conduct assessments on the potential positive and negative impacts that those reforms could have on tenure rights, food security and the progressive realization of

the right to adequate food, livelihoods and the environment. This assessment process should be conducted consistent with the principles of consultation and participation of these Guidelines. Assessments may be used as a basis to determine the measures needed to support beneficiaries and improve the redistributive programme.

15.8 States should ensure that redistributive land reform programmes provide the full measure of support required by beneficiaries, such as access to credit, crop insurance, inputs, markets, technical assistance in rural extension, farm development and housing. The provision of support services should be coordinated with the movement on the land by the beneficiaries. The full costs of land reforms, including costs of support services, should be identified in advance and included in relevant budgets.

15.9 States should implement redistributive reforms through transparent, participatory and accountable approaches and procedures. All affected parties should be accorded with due process and just compensation according to national law and the provisions of Section 16. All affected parties, including disadvantaged groups, should receive full and clear information on the reforms, including through gender-[illegible]ed messages. Beneficiaries should be selected through open processes, and they should receive secure tenure rights that are publicly recorded. Access to means of resolving disputes should be provided for under national law. States should endeavour to prevent corruption in redistributive reform programmes, particularly through greater transparency and participation.

15.10 States, with the participation of the involved parties, should monitor and evaluate the outcomes of redistributive reform programmes, including associated support policies, as listed in paragraph 15.8, and their impacts on access to land and food security of both men and women and, where necessary, States should introduce corrective measures.

16. Expropriation and compensation

16.1 Subject to their national law and legislation and in accordance with national context, States should expropriate only where rights to land, fisheries or forests are required for a public purpose. States should clearly define the concept of public purpose in law, in order to allow for judicial review. States should ensure that all actions are consistent with their national law as well as their existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments. They should respect all legitimate tenure right holders, especially vulnerable and marginalized groups, by acquiring the minimum resources necessary and promptly providing just compensation in accordance with national law.

16.2 States should ensure that the planning and process for expropriation are transparent and participatory. Anyone likely to be affected should be identified, and properly informed and consulted at all stages. Consultations, consistent with the principles of these Guidelines, should provide information regarding possible alternative approaches to achieve the public purpose, and should have regard to strategies to minimize disruption of livelihoods. States should be sensitive where proposed expropriations involve areas of particular cultural, religious or environmental significance, or where the land, fisheries and forests in question are particularly important to the livelihoods of the poor or vulnerable.

16.3 States should ensure a fair valuation and prompt compensation in accordance with national law. Among other forms, the compensation may be, for example, in cash, rights to alternative areas, or a combination.

16.4 To the extent that resources permit, States should ensure that implementing agencies have the human, physical, financial and other forms of capacity.

16.5 Where the land, fisheries and forests are not needed due to changes of plans, States should give the original right holders the first opportunity to reacquire these resources. In such a case the reacquisition should take into consideration the amount of compensation received in return for the expropriation.

16.6 All parties should endeavour to prevent corruption, particularly through use of objectively assessed values, transparent and decentralized processes and services, and a right to appeal.

16.7 Where evictions are considered to be justified for a public purpose as a result of expropriation of land, fisheries and forests, States should conduct such evictions and treat all affected parties in a manner consistent with their relevant obligations to respect, protect, and fulfil human rights.

16.8 States should, prior to eviction or shift in land use which could result in depriving individuals and communities from access to their productive resources, explore feasible alternatives in consultation with the affected parties, consistent with the principles of these Guidelines, with a view to avoiding, or at least minimizing, the need to resort to evictions.

16.9 Evictions and relocations should not result in individuals being rendered homeless or vulnerable to the violation of human rights. Where those affected are unable to provide for themselves, States should, to the extent that resources permit, take appropriate measures to provide adequate alternative housing, resettlement or access to productive land, fisheries and forests, as the case may be.

Part 5: Administration of tenure

This part addresses governance of the administration of tenure of land, fisheries and forests with regard to records of tenure rights, valuation, taxation, regulated spatial planning, resolution of disputes over tenure, and transboundary matters.

17. Records of tenure rights

17.1 States should provide systems (such as registration, cadastre and licensing systems) to record individual and collective tenure rights in order to improve security of tenure rights, including those held by the State and public sector, private sector, and indigenous peoples and other communities with customary tenure systems; and for the functioning of local societies and of markets. Such systems should record, maintain and publicize tenure rights and duties, including who holds those rights and duties, and the parcels or holdings of land, fisheries or forests to which the rights and duties relate.

17.2 States should provide recording systems appropriate for their particular circumstances, including the available human and financial resources. Socioculturally appropriate ways of recording rights of indigenous peoples and other communities with customary tenure systems should be developed and used. In order to enhance

transparency and compatibility with other sources of information for spatial planning and other purposes, each State should strive to develop an integrated framework that includes existing recording systems and other spatial information systems. In each jurisdiction, records of tenure rights of the State and public sector, private sector, and indigenous peoples and other communities with customary tenure systems should be kept within the integrated recording system. Whenever it is not possible to record tenure rights of indigenous peoples and other communities with customary tenure systems, or occupations in informal settlements, particular care should be taken to prevent the registration of competing rights in those areas.

17.3 States should strive to ensure that everyone is able to record their tenure rights and obtain information without discrimination on any basis. Where appropriate, implementing agencies, such as land registries, should establish service centres or mobile offices, having regard to accessibility by women, the poor and vulnerable groups. States should consider using locally-based professionals, such as lawyers, notaries, surveyors and social scientists to deliver information on tenure rights to the public.

17.4 Implementing agencies should adopt simplified procedures and locally suitable technology to reduce the costs and time required for delivering services. The spatial accuracy for parcels and other spatial units should be sufficient for their identification to meet local needs, with increased spatial accuracy being provided if required over time. To facilitate the use of records of tenure rights, implementing agencies should link information on the rights, the holders of those rights, and the spatial units related to those rights. Records should be indexed by spatial units as well as by holders to allow competing or overlapping rights to be identified. As part of broader public information sharing, records of tenure rights should be available to State agencies and local governments to improve their services. Information should be shared in accordance with national standards, and include disaggregated data on tenure rights.

17.5 States should ensure that information on tenure rights is easily available to all, subject to privacy restrictions. Such restrictions should not unnecessarily prevent public scrutiny to identify corrupt and illegal transactions. States and non-State actors should further endeavour to prevent corruption in the recording of tenure rights by widely publicizing processes, requirements, fees and any exemptions, and deadlines for responses to service requests.

18. Valuation

18.1 States should ensure that appropriate systems are used for the fair and timely valuation of tenure rights for specific purposes, such as operation of markets, security for loans, transactions in tenure rights as a result of investments, expropriation and taxation. Such systems should promote broader social, economic, environmental and sustainable development objectives.

18.2 Policies and laws related to valuation should strive to ensure that valuation systems take into account non-market values, such as social, cultural, religious, spiritual and environmental values where applicable.

18.3 States should develop policies and laws that encourage and require transparency in valuing tenure rights. Sale prices and other relevant information should be

recorded, analysed and made accessible to provide a basis for accurate and reliable assessments of values.

18.4 States and other parties should develop and publicize national standards for valuation for governmental, commercial and other purposes. National standards should be consistent with relevant international standards. Training of staff should include methodologies and international standards.

18.5 Implementing agencies should make their valuation information and analyses available to the public in accordance with national standards. States should endeavour to prevent corruption in valuation through transparency of information and methodologies, in public resource administration and compensation, and in company accounts and lending.

19. Taxation

19.1 States have the power to raise revenue through taxation related to tenure rights so as to contribute to the achievement of their broader social, economic and environmental objectives. These objectives may include encouraging investment or preventing undesirable impacts that may arise, such as from speculation and concentration of ownership or other tenure rights. Taxes should encourage socially, economically and environmentally desirable behaviour, such as registering transactions or declaring the full sale value.

19.2 States should strive to develop policies and laws and organizational frameworks regulating all aspects pertaining to taxation of tenure rights. Tax policies and laws should be used where appropriate to provide for effective financing for decentralized levels of government and local provision of services and infrastructure.

19.3 States should administer taxes efficiently and transparently. Staff of implementing agencies should receive training that includes methodologies. Taxes should be based on appropriate values. Assessments of valuations and taxable amounts should be made public. States should provide taxpayers with a right to appeal against valuations. States should endeavour to prevent corruption in taxation administration, through increased transparency in the use of objectively assessed values.

20. Regulated spatial planning

20.1 Regulated spatial planning affects tenure rights by legally constraining their use. States should conduct regulated spatial planning, and monitor and enforce compliance with those plans, including balanced and sustainable territorial development, in a way that promotes the objectives of these Guidelines. In this regard, spatial planning should reconcile and harmonize different objectives of the use of land, fisheries and forests.

20.2 States should develop through consultation and participation, and publicize, gender-sensitive policies and laws on regulated spatial planning. Where appropriate, formal planning systems should consider methods of planning and territorial development used by indigenous peoples and other communities with customary tenure systems, and decision-making processes within those communities.

20.3 States should ensure that regulated spatial planning is conducted in a manner that recognizes the interconnected relationships between land, fisheries and forests and their uses, including the gendered aspects of their uses. States should strive

towards reconciling and prioritizing public, community and private interests and accommodate the requirements for various uses, such as rural, agricultural, nomadic, urban and environmental. Spatial planning should consider all tenure rights, including overlapping and periodic rights. Appropriate risk assessments for spatial planning should be required. National, regional and local spatial plans should be coordinated.

20.4 States should ensure that there is wide public participation in the development of planning proposals and the review of draft spatial plans to ensure that priorities and interests of communities, including indigenous peoples and food-producing communities, are reflected. Where necessary, communities should be provided with support during the planning process. Implementing agencies should disclose how public input from participation was reflected in the final spatial plans. States should endeavour to prevent corruption by establishing safeguards against improper use of spatial planning powers, particularly regarding changes to regulated use. Implementing agencies should report on results of compliance monitoring.

20.5 Spatial planning should take duly into account the need to promote diversified sustainable management of land, fisheries and forests, including agroecological approaches and sustainable intensification, and to meet the challenges of climate change and food security.

21. Resolution of disputes over tenure rights

21.1 States should provide access through impartial and competent judicial and administrative bodies to timely, affordable and effective means of resolving disputes over tenure rights, including alternative means of resolving such disputes, and should provide effective remedies and a right to appeal. Such remedies should be promptly enforced. States should make available, to all, mechanisms to avoid or resolve potential disputes at the preliminary stage, either within the implementing agency or externally. Dispute resolution services should be accessible to all, women and men, in terms of location, language and procedures.

21.2 States may consider introducing specialized tribunals or bodies that deal solely with disputes over tenure rights, and creating expert positions within the judicial authorities to deal with technical matters. States may also consider special tribunals to deal with disputes over regulated spatial planning, surveys and valuation.

21.3 States should strengthen and develop alternative forms of dispute resolution, especially at the local level. Where customary or other established forms of dispute settlement exist they should provide for fair, reliable, accessible and non-discriminatory ways of promptly resolving disputes over tenure rights.

21.4 States may consider using implementing agencies to resolve disputes within their technical expertise, such as those responsible for surveying to resolve boundary disputes between individual parcels within national contexts. Decisions should be delivered in writing and based on objective reasoning, and there should be a right to appeal to the judicial authorities.

21.5 States should endeavour to prevent corruption in dispute resolution processes.

21.6 In providing dispute resolution mechanisms, States should strive to provide legal assistance to vulnerable and marginalized persons to ensure safe access for all to justice without discrimination. Judicial authorities and other bodies should ensure that their staff have the necessary skills and competencies to provide such services.

22. Transboundary matters

22.1 States should cooperate, in the framework of appropriate mechanisms and with the participation of affected parties, in addressing tenure issues related to land, fisheries and forests which traverse national boundaries. States should ensure that all actions are consistent with their existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments. In States where transboundary matters related to tenure rights arise, parties should work together to protect such tenure rights, livelihoods and food security of the migrating populations while on their respective territories.

22.2 States and other parties should contribute to the understanding of transboundary tenure issues affecting communities, such as with rangelands or seasonal migration routes of pastoralists, and fishing grounds of small-scale fishers, which lie across international boundaries.

22.3 Where appropriate, States should harmonize legal standards of tenure governance, in accordance with existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments. Where appropriate, this should be coordinated with relevant regional bodies and with affected parties. States, with the participation of the affected parties as appropriate, should develop or strengthen existing international measures to administer tenure rights that cross international boundaries. Where appropriate, they should coordinate with relevant regional bodies. This should be done especially to protect the livelihoods and, in line with paragraph 4.8, the rights of all those affected.

Part 6: Responses to climate change and emergencies

This part addresses the governance of tenure of land, fisheries and forests in the context of climate change, natural disasters and conflicts.

23. Climate change

23.1 States should ensure that the legitimate tenure rights to land, fisheries and forests of all individuals, communities or peoples likely to be affected, with an emphasis on farmers, small-scale food producers, and vulnerable and marginalized people, are respected and protected by laws, policies, strategies and actions with the aim to prevent and respond to the effects of climate change consistent with their respective obligations, as applicable, in terms of relevant climate change framework agreements.

23.2 Where appropriate, States should strive to prepare and implement strategies and actions in consultation and with the participation of all people, women and men, who may be displaced due to climate change. Any provision of alternative land, fisheries, forests and livelihoods for displaced persons should not jeopardize the livelihoods of others. States may also consider offering special assistance to small island and other developing States.

23.3 States should facilitate the participation, consistent with the principles of consultation and participation of these Guidelines, of all individuals, communities or peoples, with an emphasis on farmers, small-scale food producers, and vulnerable

and marginalized people, who hold legitimate tenure rights, in the negotiations and implementation of mitigation and adaptation programmes.

24. Natural disasters

24.1 All parties should ensure that tenure aspects of land, fisheries and forests are addressed when preventing and preparing for natural disasters and in their responses to them. Regulatory frameworks for tenure, including spatial planning, should be designed to avoid or minimize the potential impacts of natural disasters.

24.2 States should ensure that all actions are consistent with their existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments. All parties should act, taking into consideration relevant international principles, including as appropriate the United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons ("Pinheiro Principles"), and the Humanitarian Charter and Minimum Standards in Disaster Response.

24.3 States should address tenure in disaster prevention and preparedness programmes. Information on legitimate tenure rights should be collected for areas that could be affected through a process consistent with the principles of consultation and participation of these Guidelines. Systems for recording legitimate tenure rights should be resilient to natural disasters, including off-site storage of records, to allow right holders to prove their rights and relocate their parcels and other spatial units. States should strive to identify areas for the temporary resettlement of people who could be displaced by natural disasters, and rules should be established for providing tenure security in such areas.

24.4 States and other parties should address tenure in the emergency response phase. Any provision of alternative land, fisheries, forests and livelihoods for displaced persons should not jeopardize the rights and livelihoods of others. Legitimate tenure rights of displaced persons should also be recognized, respected and protected. Information on tenure rights and unauthorized use should be disseminated to all affected persons.

24.5 States and other parties should address tenure during the reconstruction phase. Persons who are temporarily displaced should be assisted in voluntarily, safely and with dignity returning to their place of origin. Means to resolve disputes over tenure rights should be provided. Where boundaries of parcels and other spatial units are to be re-established, this should be done consistent with the principles of consultation and participation of these Guidelines. Where people are unable to return to their place of origin, they should be permanently resettled elsewhere. Such resettlement should be negotiated with host communities to ensure that the people who are displaced are provided with secure access to alternative land, fisheries, forests and livelihoods in ways that do not jeopardize the rights and livelihoods of others.

25. Conflicts in respect to tenure of land, fisheries and forests

25.1 All parties should take steps to prevent and eliminate issues of tenure of land, fisheries and forests as a cause of conflict and should ensure that aspects of tenure are addressed before, during and after conflict, including in situations of occupation where parties should act in accordance with applicable international humanitarian law.

25.2 States should ensure that all actions are consistent with their existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments, including as appropriate those of the Convention relating to the Status of Refugees and its Protocol, and the United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons ("Pinheiro Principles"). During and after conflicts States should respect applicable international humanitarian law related to legitimate tenure rights.

25.3 In order that tenure problems do not lead to conflicts, all parties should take steps to resolve such problems through peaceful means. States should revise relevant policies and laws to eliminate discrimination and other factors that can be a cause of conflicts. Where appropriate, States may consider using customary and other local mechanisms that provide fair, reliable, gender-sensitive, accessible and non-discriminatory ways of promptly resolving disputes over tenure rights to land, fisheries and forests.

25.4 When conflicts arise, States and other parties should strive to respect and protect existing legitimate tenure rights and guarantee that these are not extinguished by other parties. Consistent with existing obligations under relevant national and international law, States should not recognize tenure rights to land, fisheries and forests acquired, within their territories, through forceful and/or violent means. Refugees and displaced persons and others affected by conflict should be settled in safe conditions in ways that protect the tenure rights of host communities. Violations of tenure rights should be documented and, where appropriate, subsequently remedied. Official records of tenure rights should be protected against destruction and theft in order to provide evidence for subsequent processes to address such violations and facilitate possible corrective action, and in areas where such records do not exist, the existing tenure rights should be documented as best as possible in a gender-sensitive manner, including through oral histories and testimonies. Legitimate tenure rights of refugees and displaced persons should be recognized, respected and protected. Information on tenure rights and unauthorized use should be disseminated to all affected persons.

25.5 In situations of conflicts, whenever possible or when conflicts cease, States and other parties should ensure that tenure problems are addressed in ways that contribute to gender equality and support durable solutions for those affected. Where restitution is possible and, as appropriate, with the assistance of UNHCR and other relevant agencies, refugees and displaced persons should be assisted in voluntarily, safely and with dignity returning to their place of origin, in line with applicable international standards. Procedures for restitution, rehabilitation and reparation should be non-discriminatory, gender sensitive and widely publicized, and claims for restitution should be processed promptly. Procedures for restitution of tenure rights of indigenous peoples and other communities with customary tenure systems should provide for the use of traditional sources of information.

25.6 Where restitution is not possible, the provision of secure access to alternative land, fisheries and forests and livelihoods for refugees and displaced persons should be negotiated with host communities and other relevant parties to ensure that the resettlement does not jeopardize the livelihoods of others. Special procedures should, where possible, provide the vulnerable, including widows and orphans, with secure access to land, fisheries and forests.

25.7 Where appropriate, policies and laws should be revised to address pre-existing discrimination as well as discrimination introduced during the conflicts. Where appropriate or required, relevant agencies should be re-established to deliver services necessary for responsible tenure governance.

Part 7: Promotion, implementation, monitoring and evaluation

26.1 In accordance with the voluntary nature of these Guidelines, States have the responsibility for their implementation, monitoring and evaluation.

26.2 States are encouraged to set up multi-stakeholder platforms and frameworks at local, national and regional levels or use such existing platforms and frameworks to collaborate on the implementation of these Guidelines; to monitor and evaluate the implementation in their jurisdictions; and to evaluate the impact on improved governance of tenure of land, fisheries and forests, and on improving food security and the progressive realization of the right to adequate food in the context of national food security, and sustainable development. This process should be inclusive, participatory, gender sensitive, implementable, cost effective and sustainable. In carrying out these tasks, States may seek technical support from regional and international bodies.

26.3 Development partners, specialized agencies of the United Nations, and regional organizations are encouraged to support voluntary efforts by States to implement these Guidelines, including through South-South cooperation. Such support could include technical cooperation, financial assistance, institutional capacity development, knowledge sharing and exchange of experiences, assistance in developing national tenure policies and transfer of technology.

26.4 The Committee on World Food Security should be the global forum where all relevant actors learn from each other's experiences, and assess progress toward the implementation of these Guidelines and their relevance, effectiveness and impact. Therefore, the Secretariat of the Committee on World Food Security, in collaboration with the Advisory Group, should report to the Committee on World Food Security on the progress of the implementation of these Guidelines, as well as evaluate their impact and their contribution to the improvement of tenure governance. Such reports should be universal and include, inter alia, regional experiences, best practices and lessons learned.

26.5 All parties, including civil society organizations and the private sector, are encouraged to use collaborative efforts to promote and implement these Guidelines in accordance with national priorities and contexts. All parties are encouraged to disseminate information on responsible tenure governance in order to improve practices.

Annex II

[Original: Arabic, Chinese, English, French, Russian and Spanish]

Report of the 39th Session of the Committee on World Food Security (Rome, 15-20 October 2012) (C 2013/21)

Summary

In its third Session since reform, the CFS addressed nine agenda items corresponding to the roles of the Committee and to further support implementation of its reform. Nearly 1200 representatives of CFS stakeholder groups (governments, civil society, private sector, international and regional organizations and observers), including 24 Ministers, registered for CFS 39. Organizational matters were dealt with in Item I. In Item II, opening statements were made by the heads of the three Rome Based Agencies, the United Nations Secretary-General (video), and the chair of the High-level Panel of Experts on Food Security and Nutrition (HLPE) Steering Committee. Recommendations from policy round table debates on two topics were made under Item III, including, "Social protection for food security and nutrition" and, "Food security and climate change". A brief presentation was made on the main findings in the State of Food Insecurity in the World 2012 (SOFI 2012) as well as an update on the review of the SOFI methodology to estimate the number of hungry under Item IV.

Item V included five topics corresponding to the CFS role in supporting policy convergence and coordination, namely; a debate on food security and nutrition terminology; endorsement of the First Version of the Global Strategic Framework for Food Security and Nutrition (GSF); a decision on the process of identifying policy gaps and emerging issues for CFS and the HLPE; approval of the terms of reference for an inclusive consultation process within CFS to develop and ensure broad ownership of principles for responsible agricultural investments· consideration of the outcomes of the High-level Expert Forum on Food Insecurity in Protracted Crises (HLEF) and endorsement of a process of arriving at an "Agenda for Action for Food Security in Countries in Protracted Crisis".

In Item VI ways to strengthen global and regional coordination and linkages with CFS to improve coherence of initiatives that address food security and nutrition, were explored. Item VII included decisions and recommendations for further development and clarification regarding CFS monitoring work. In the same session the plenary adopted the proposed CFS Multi-year Programme of Work (MYPOW) for 2012-2013 and principles for the selection and prioritization of new streams of work. The Committee also considered progress made on the work to harmonize mapping food security and nutrition actions at country level. Item IX included endorsing proposed amendments to the Amendments to the CFS Rules of Procedure and to Rule XXXIII of the General Rules of the Organization. The report of the Session was adopted in item IX.

Suggested action by the Council

The Council is invited to acknowledge the outcomes of the 39th Session of CFS, where the Committee:

(a) Endorsed recommendations from the two policy roundtables regarding "Social Protection for Food Security and Nutrition" (para. 8) and, "Food Security and Climate Change" (para. 11);

(b) Welcomed the new SOFI methodology for estimating the number of hungry and supported any further improvements as new information is made available (para. 14);

(c) Recognized that currently there is no consensus among member States about the use of the combined term "food and nutrition security" and recommended that the Bureau, in consultation with the Advisory Group and the joint Secretariat determines the scope and timing of further work to be carried out to address the issues outlined in paragraph 16.b);

(d) Endorsed the First Version of the GSF and encouraged all stakeholders to promote and make use of this document, that should be updated regularly, when formulating strategies, policies and programmes on food security, nutrition, agriculture, fisheries and forests (para. 18);

(e) Requested the HLPE, taking into account available resources, to undertake the following two studies to be presented to Plenary in 2014: "The role of sustainable fisheries and aquaculture for food security and nutrition" and, "Food losses and waste in the context of sustainable food systems" (para. 21);

(f) Requested the Open-ended Working Group (OEWG) on MYPOW to further refine its process of prioritizing future work streams including inputs from regional level (para. 21.c);

(g) Requested the OEWG on MYPOW to review the gaps and emerging issues identified by members and participants under this item against the criteria outlined in CFS 2012/39/11 Rev.1, Annex 1 for prioritization, selection and integration, as possible new issues to be addressed by the CFS for 2014 and beyond (para. 21.c);

(h) Agreed that at its 41st Session in 2014, a session will be included on a ten year retrospective on progress made in implementing the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security (para. 21.d);

(i) Approved the terms of reference for an inclusive consultation process within CFS to develop and ensure broad ownership of principles for responsible agricultural investments, and that the consultation process will be implemented by the CFS Secretariat under the oversight of the Bureau and in close collaboration with the OEWG on responsible agricultural investments (para. 23);

(j) Reiterated its support for a consultative process, including all relevant stakeholders, to present to the CFS Plenary for consideration, an "Agenda for Action for Food Security in Countries in Protracted Crises", building as appropriate on the elements provided in para. 28 of CFS 2012/39/7, and requested the CFS Bureau in consultation with the Advisory Group and the Secretariat to oversee the process as per the decisions of the 36th and 37th sessions of the Committee (paras. 24.c, d);

(k) Welcomed presentations of four global and two regional initiatives, the Zero Hunger Challenge and the Hunger Free Initiative for West Africa, and information on the Hunger Free Latin America and the Caribbean Initiative 2025, and indicated that effort is needed to improve the coherence of and linkages among initiatives taken by leaders in different political forums that address food security, and to seek consistency with the decisions of CFS and the commitment to advance food security and nutrition (paras. 27-30);

(l) Endorsed the further development and clarification of CFS monitoring work, and that the OEWG on monitoring continue its work in 2013 and report back to CFS at its 40th Session (para. 33.b);

(m) Adopted the CFS Multi-Year Programme of Work (MYPOW) 2012-2013 acknowledging that the Results-based Framework is work in progress and will benefit from further elaboration by the CFS work on monitoring (para. 33.a);

(n) Adopted the priorities and major work streams for 2012-2013 and suggested that no new major work stream is initiated before the 40th Session of CFS (October 2013) unless it responds to extenuating circumstances (e.g. a crisis) and is endorsed by the Bureau (para. 33.c);

(o) Endorsed recommendations to identify ways to improve the harmonization of methods and tools and the streamlining of food security and nutrition actions mapping with other food security and nutrition information systems (para. 38);

(p) Endorsed the proposed amendments to Rule XXXIII of the General Rules of the Organization for forwarding to Conference via the Committee on Constitutional and Legal Matters (CCLM);

(q) Adopted the proposed amendments to the CFS Rules of Procedure including that the Chairperson shall not be eligible for election for two consecutive terms in the same office;

(r) Mandated the Bureau to develop the selection procedures, including the required qualifications and the terms of reference, for the position of the CFS Secretary, together with modalities and requirements for inclusion in the Secretariat of other UN entities directly concerned with food security and nutrition, with a view to submitting proposals to the Committee during its plenary session in October 2013;

(s) Endorsed the Bureau's decision to extend the tenure of current members of the Steering Committee of the High-level Panel of Experts (HLPE) on Food Security and Nutrition until October 2013.

Suggested action by the Conference

The Conference is invited to acknowledge the outcomes of the 39th Session of CFS, where the Committee:

(t) Welcomed the outcomes from two round tables on the following topics: "Social Protection for Food Security and Nutrition" (para. 8) and, "Food Security and Climate Change" (para. 9);

(u) Recognized the importance of following points that emerged from the updates on global and regional initiatives and linkages with CFS: (i) advancing the Zero Hunger Challenge, establishing Sustainable Development Goals, assessing the sustainability of food systems, building and implementing strategies for food security

and nutrition, fostering farmer-centred research, establishing multi-stakeholder partnerships and adopting landscape approaches all benefit from close linkage with CFS, the full involvement of farmers and their organizations and responsible engagement of local businesses; (ii) all global and regional initiatives undertaken in support of the decisions of CFS should be transparent, accessible to actors driving change, capable of influencing outcomes at the community level, yielding tangible benefits for smallholders — especially women, contributing to food security and nutrition, and accountable to those they seek to benefit; and, (iii) effort is needed to improve coherence and linkages of initiatives taken by leaders in different political forums that address food security and to seek consistency with the decisions of CFS and the commitment to advance food security and nutrition (para. 30);

(v) Mandated the Bureau to develop the selection procedures, including the required qualifications and the terms of reference, for the position of the CFS Secretary, together with modalities and requirements for inclusion in the Secretariat of other UN entities directly concerned with food security and nutrition, with a view to submitting proposals to the Committee during its plenary session in October 2013 (para. 43).

Queries on the substantive content of the document may be addressed to:

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I. Organizational matters

1. The Committee on World Food Security (CFS) held its Thirty-ninth Session from 15 to 20 October 2012 at FAO Headquarters in Rome. The Session was attended by delegates from 116 Members of the Committee; 15 non-Member States of the Committee and by participants from:

11 United Nations Agencies and Bodies;

111 Civil society and non-governmental organizations;[2]

2 International agricultural research organizations;

3 International and regional financial institutions;

46 Private sector associations and private philanthropic foundations;[3] and,

32 observers.

Twenty-four Ministers registered. The full list of Members, Participants and Observers is available as document CFS 2012/39/Inf.4 (http://www.fao.org/bodies/cfs/cfs39/en/).

[2] Civil society's participation was facilitated by the International Food Security and Nutrition Civil Society Mechanism (CSM). This figure includes 91 NGOs/CSOs under the umbrella of the CSM.

[3] This figure includes 41 companies under the umbrella of the Private Sector Mechanism (PSM).

2. The report contains the following annexes: Appendix A — Agenda of the Session; Appendix B — Membership of the Committee; Appendix C — List of documents and Appendix D — Proposed Terms of Reference to develop principles for responsible agricultural investments.

3. The Committee was informed that the European Union (EU) was participating in accordance with paragraphs 8 and 9 of article II of the FAO Constitution.

4. The Session was opened by the Chairperson of the Committee, Mr. Yaya Olaniran of Nigeria.

5. The Committee appointed a Drafting Committee composed of Afghanistan, Argentina, Australia, Cyprus, Ecuador, Egypt, Gabon, India, Japan, Jordan, Russian Federation, Sweden, Switzerland, Thailand, and United States of America. The Drafting Committee was chaired by Ambassador Thenjiwe Ethel Mtintso (Republic of South Africa).

II. Setting the stage for CFS 39

6. Opening statements were delivered by Mr. Ban Ki-moon, Secretary-General, United Nations (video), Mr. José Graziano da Silva, Director-General, Food and Agriculture Organization of the United Nations (FAO), Mr. Kanayo Nwanze, President, International Fund for Agricultural Development (IFAD), Ms. Ertharin Cousin, Executive Director, the United Nations World Food Programme (WFP), Mr. Monkombu Sambasivan Swaminathan, Chairperson of the Steering Committee of the High-level Panel of Experts on Food Security and Nutrition (HLPE). The statements are available as CFS information documents at http://www.fao.org/bodies/cfs/cfs39/en/.

III. Policy convergence

A. Policy round table: social protection for food security and nutrition

7. The Committee considered documents CFS 2012/39/2 "Policy Roundtable: Social Protection for Food Security and Nutrition", CFS 2012/39/2 Add.1 "Executive Summary of the High-level Panel of Experts (HLPE) Report on Social Protection for Food Security", and "Social Protection for Food Security. A report by the High-level Panel of Experts on Food Security and Nutrition of the Committee on World Food Security", Rome 2012.

8. The Committee endorsed the following recommendations regarding Social Protection for Food Security and Nutrition:

(a) Urged Member States to design and put in place, or strengthen, comprehensive, nationally-owned, context-sensitive social protection systems for food security and nutrition, considering:

- Interministerial and cross-sectoral coordination, including the agriculture sector, to ensure that social protection is integrated with broader food security and nutrition programming;

- The progressive development of comprehensive country-led social protection portfolios and action plans that ensure active, inclusive, meaningful stakeholder participation, and are sensitive to country differences in terms of policy, institutions and financial capacity;

- Appropriate national assessments, including food security and nutrition and gender assessments, to ensure the inclusion of food and nutrition insecurity-sensitive targeting, effective registration methods, gender-sensitive programming, institutional arrangements, delivery mechanisms, robust monitoring, accountability and evaluation;

- The particular challenges faced by least developed countries, fragile States and countries in protracted crises, including linkages between short-term social transfers and longer-term social protection programmes, taking into account the role of international cooperation in reinforcing national actions to implement sustainable social protection programmes and systems;

- The various components of effective social protection, including non-contributory social transfers or safety nets, insurance mechanisms, and access to social services, including recognition and strengthening of informal/traditional social protection mechanisms.

(b) Called upon Member States, international organizations and other stakeholders to ensure that social protection systems embrace a "twin-track" strategy to maximize impact on resilience and food security and nutrition, through:

- Provision of essential assistance in the short-term while simultaneously protecting or building productive assets and infrastructure that support livelihoods and human development in the long-term;

- Fostering integrated programmes which directly support agricultural livelihoods and productivity for the poor, particularly smallholder farmers and small-scale food producers, including through production input support, weather, crop and livestock insurance, farmer organizations and co-operatives for market access, decent jobs and public works that create agricultural assets, home-grown school feeding that purchases food from local smallholder farmers, in-kind transfers (food, seeds), vouchers and cash transfers, agricultural livelihood packages and extension services;

- Establishment of strong linkages amongst sectors such as education, health and agriculture to ensure decent employment and social welfare in rural and urban areas, including enhancing people' access, especially women, to markets and financial services required for effective social protection;

- Ensuring the provision of technical, financial and capacity building support, and also conducting and sharing of research results on social protection, including through enhanced South-South cooperation.

(c) Urged Member States, international organizations and other stakeholders to improve the design and use of social protection interventions to address vulnerability to chronic and acute food insecurity, considering:

- The importance of providing predictable and reliable access to social protection to all those in need at any time of the year, and at particularly vulnerable stages of life;

- That chronically vulnerable individuals, unable to participate in the workforce, might need permanent assistance, recognizing that not everyone can graduate out of poverty and food insecurity;
- That under a life-cycle approach to nutrition, priority should be given to social protection that addresses the critical "first 1,000 days" from pregnancy to 2 years old, including policies that promote and support breastfeeding, ensuring access to social services particularly health care, ensuring adequate knowledge of all relevant aspects of child care, and access to affordable and acceptable nutritious food products through the marketplace where possible, appropriate and sustainable;
- Flexible mechanisms to monitor and adjust design features and modalities as appropriate;
- That social protection systems should be designed in such a way that they can respond quickly to shocks such as droughts, floods and food price spikes.

(d) Reminded Member States that social protection programmes for food security and nutrition should be guided by human rights norms and standards and should be complemented as appropriate by policies, guidelines, including legislation as appropriate, to support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, and social security, as well as gender equality and empowerment through inter alia:

- The consideration of provisions recommended by the International Labour Conference on the Social Protection Floors. Social protection can be a catalyst for the fulfilment of other relevant international rights;
- The grounding of social protection in national institutional frameworks and legislation, where appropriate, establishing targets, benchmarks, indicators and institutional responsibilities;
- The adoption of integrated and mutually-supportive social protection and food security and nutrition strategies and policies, based on human rights standards and principles, including non-discrimination and equality (including gender), meaningful participation, transparency and accountability.

(e) Suggested that the CFS Bureau, in consultation with the Advisory Group and with the support of the Secretariat consider, given the already full agenda and limited resources, support for social protection for food security and nutrition, through inter alia:

- Facilitation and convening of lesson-sharing events on social protection for food security and nutrition, including complementing existing global and regional platforms;
- Further exploration of a way forward on integrating food security and nutrition issues in social protection floors, in consultation with Rome-based Agencies and relevant organizations and entities, such as the High-level Task Force on Food Security (HLTF), the International Labour Organization (ILO), the World Bank;
- The CFS Open-ended Working Group on Monitoring (OEWG-Monitoring) further clarifying the support CFS could offer to stakeholders in the monitoring, reporting and evaluation of social protection programmes for food security and nutrition, taking into account the roles of other relevant stakeholders and existing monitoring mechanisms.

B. Policy round table: food security and climate change

9. The Committee expressed its appreciation for the work of the High-level Panel of Experts (HLPE) on Food Security and Climate Change and for the relevant report.[4]

10. The Committee reiterated the role of CFS in promoting greater policy convergence and coordination with regards to food security, and recognized that the adverse effects of climate change can pose serious threats to food security especially to small scale food producers' lives and livelihoods, and to the progressive realization of the right to food in the context of national food security, and urged action.

10bis. The Committee recognized the responsibility of member States to ensure that their policies, programmes, actions and strategies are fully consistent with existing international obligations, including food security related commitments.

10ter. The Committee recognized the role of the United Nations Framework Convention on Climate Change (UNFCCC) as the key competent forum to deal with climate change and that this decision box does not prejudice efforts under the UNFCCC to address climate change.

10quater. The Committee recognized the outcome document of the United Nations Conference on Sustainable Development (Rio+20), in particular regarding food security and nutrition and sustainable agriculture.

11. Taking into account the urgent need for actions to address the effects of climate change on food security as well as the root causes of food insecurity in a manner coherent with the progressive realization of the right to food in the context of national food security, the Committee invited Member States (MS), International Organizations (IO) and other CFS stakeholders, as appropriate, and recognizing the role of the UNFCCC:

(a) To integrate climate change concerns in food security policies and programmes and to increase resilience of vulnerable groups and food systems to climate change, emphasizing adaptation to climate change as a major concern and objective for all farmers and food producers, especially small-scale producers, including through:

- Increasing public and private investment and international cooperation for enhancing food security in the face of climate change threats, in particular for adaptation to the adverse effects of climate change, sustainable use of natural resources, water management and soil conservation;
- Developing national and local capacities to deal with food security-related climate change challenges, including improving extension services, and making available and accessible, weather and climate forecasting and risk management tools, in support of farmers' and small-scale food producers' networks and organizations (MS, IO);
- Conducting assessments of risks, vulnerability and capacities, giving due consideration to gender and nutrition-sensitive perspectives, and improving and implementing early warning systems, especially in a coordinated manner (MS, IO);

[4] The views expressed in the report do not necessarily reflect the official views of the Committee on World Food Security, its members, participants, or the Secretariat.

- Developing integrated land-use policies for food security and adaptation to climate change and, where appropriate, contributing to climate change mitigation considering the "Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security" in accordance with nationally defined priorities; (MS);
- Integrating climate change adaptation and disaster risk management in food security policies and programmes (MS, IO);
- Implementing relevant initiatives, such as for example FAO-Adapt, as appropriate, to strengthen support to countries' efforts toward climate change adaptation (IO).

(b) To create conditions to facilitate access to genetic resources for food and agriculture and the fair and equitable sharing of the benefits arising from their use for example by:

- Recognizing the importance of the International Treaty on Plant Genetic Resources for Food and Agriculture and of the Nagoya Protocol adopted by the 10th Conference of Parties (COP) of the Convention on Biological Diversity (CBD);
- Inviting the FAO Commission on Genetic Resources for Food and Agriculture to continue and strengthen its work on climate change and genetic resources including conservation and use of genetic resources for adaptation to climate change (MS);

(c) To develop agricultural strategies that take into account: (i) the need to respond to climate change and to safeguard food security; (ii) the diversity of agricultural conditions and systems; and (iii) the countries' and regions' specific levels of development, needs, contexts and priorities, including by:

- Taking into account gender-sensitive and participatory approaches that enable both men and women to gain equitable access to land use, information, and resources when addressing food security in the context of climate change;
- Encouraging farmers in adopting good practices, including, inter alia, farming and grazing practices to prevent land degradation and loss of soil carbon, increasing the efficiency of nitrogen use, improving livestock productivity and the use of manure, improving water management, and increasing the use of agroforestry;
- Providing multi-stakeholder country-led assessments and research for agricultural development strategies to face the adverse effects of climate change, taking into account differences between agricultural systems, farming practices, and regional, national and local conditions;
- Promoting efficiencies in the food chain and the reduction of post-harvest losses and food waste in a sustainable manner (MS, in partnership with private sector and civil society).

(d) To enhance research, including farmer-led research, and improve information collection and sharing by:

- Increasing international cooperation and public and private investment for research, on climate change adaptation and mitigation in order to favour alignment with sustainable development and food security and nutrition including the adaptation needs of small scale producers;
- Fostering exchanges of information among research programs on climate change and food security (MS, IO);

(e) To facilitate, as appropriate, participation of all stakeholders in food security policies and programmes to address climate change recognizing the contribution of all farmers and food producers, especially small-scale producers, to food security, by:

- Encouraging multi-stakeholder fora at local, national and regional levels to promote broad participation of local communities and the most vulnerable groups, as well as the private sector, in decision-making processes;
- Supporting CSOs, notably those representing the most hunger-affected populations, small-scale producers' organizations, and women farmers' organizations, to participate in decision making and the implementation of food security policies and programmes to address climate change.

(f) To support the consideration of food security within the UNFCCC activities, in accordance with its mandate and in the context of the objectives, principles and provisions of that convention, by:

- Inviting FAO to continue collaboration with the UNFCCC Secretariat including through the provision of sound technical information on food security issues;
- Inviting the CFS Secretariat to transmit for information the HLPE report on Food Security and Climate Change and the present document of the CFS to the Intergovernmental Panel on Climate Change (IPCC) and to the UNFCCC Secretariat.

IV. State of food insecurity

A. The state of food insecurity in the world 2012

B. Update on the review of methods to estimate the number of hungry

12. The Committee considered a presentation of the State of Food Insecurity in the World 2012 (SOFI), entitled "Economic growth is necessary but not sufficient to accelerate reduction of hunger and malnutrition", delivered by Mr. Kostas Stamoulis, Director, FAO Agricultural Development Economics Division (ESA) and SOFI Coordinator, with contributions from the co-authors Mr. Thomas Elhaut, Director, Statistics and Studies for Development Division (SSD), IFAD and Ms. Lynn Brown, Chief Economist, Economic Analysis Service, WFP.

13. The Committee acknowledged some of the findings of the SOFI 2012 report, namely:

(a) With almost 870 million people chronically undernourished in 2010-12, the number of hungry people in the world remains unacceptably high;

(b) Improved undernourishment estimates, from 1990, suggest that progress in reducing hunger has been more pronounced than previously believed;

(c) Most of the progress, however, was achieved before 2007-08. Since then, global progress in reducing hunger has slowed and then levelled off;

(d) The revised results imply that the Millennium Development Goal (MDG) target of halving by 2015 the proportion of people who suffer from hunger is within reach, if appropriate actions are taken to reverse the slowdown since 2007-08;

(e) Despite significant improvements this year to the FAO methodology for estimating undernourishment, further improvements and better data are needed to capture the effects of food price shocks and economic shocks on undernourishment;

(f) In order for economic growth to enhance the nutrition of the neediest, the poor, in particular women must participate in the growth process and its benefits;

(g) Agricultural growth is particularly effective in reducing hunger and malnutrition;

(h) Economic and agricultural growth should be "nutrition-sensitive";

(i) Social protection is crucial for accelerating hunger reduction;

(j) To accelerate hunger reduction, economic growth needs to be accompanied by purposeful and decisive public action;

(k) The need for better policy responses and improved governance to ensure sustainability and to address the effects of excessive price volatility;

(l) The crucial links between agriculture and the rural non farm economy and the importance of the latter for food security and nutrition among the rural poor.

14. The Committee welcomed the new methodology for estimating hunger presented by Mr. Pietro Gennari, Director, FAO Statistics Division (ESS). The Committee supported the new methodology and welcomed any further improvements as new information is made available, including a broader set of key indicators to provide a more comprehensive picture of food insecurity and undernutrition.

V. Policy convergence and coordination

A. Food security and nutrition terminology

15. Mr. Francesco Branca, Current Acting Executive Secretary of the Standing Committee on Nutrition (SCN) introduced document CFS:2012/39/4 "Coming to Terms with Terminology" on behalf of the CFS Secretariat task team.

16. Based on an in-depth review and discussions of the meaning and different uses of the terms "Food Security", "Food Security and Nutrition", "Food and Nutrition Security" and "Nutrition Security", the Committee:

(a) Recognized the long history and evolution of the meaning and use of the above terms.

(b) Recognized that currently there is no consensus among member States about the use of the combined term "food and nutrition security". Many strongly

C. Addressing policy gaps and emerging issues

and

VIII. Conclusions and way forward (road map)

19. The Committee welcomed the outcome of the discussions under agenda Item V.c) "Addressing policy gaps and emerging issues", where delegates expressed their views on issues that are considered key to improve food security and nutrition and may require attention by the Committee. Among those issues, delegates also discussed topics for the High Level Panel of Experts (HLPE) reports to inform CFS debates during 2014 and beyond.

20. Members and participants made proposals of such issues during discussion under Item V.c and a condensed and indicative list presented by the Rapporteur was further discussed under agenda Item VIII. The list will be provided to the Chairperson of the OEWG on Multi-Year Programme of Work (MYPOW) and will be posted on the CFS website.

21. As a result:

(a) The Committee requested the HLPE, taking into account available resources, to undertake the following two studies to be presented to Plenary in 2014:

- The role of sustainable fisheries and aquaculture for food security and nutrition;
- Food losses and waste in the context of sustainable food systems.

These reports shall be policy oriented, practical and operational.

(b) With regard to the fisheries and aquaculture study the HLPE should consider the environmental, social and economic aspects of sustainable fisheries including artisanal fisheries, as well as a review of aquaculture development;

(c) With a view for consideration by CFS 40, the Committee requested the OEWG on MYPOW:

- To elaborate further on their "Guidance note on Selection and Prioritization of CFS Workstreams" (CFS 2012/39/11 Rev.1, Annex 1) to further refine its process for prioritization for future work streams including inputs from regional level;
- To review the gaps and emerging issues identified by members and participants under this item against the criteria outlined in CFS 2012/39/11 Rev.1, Annex 1 for prioritization, selection and integration, as possible new issues to be addressed by the CFS for 2014 and beyond.

(d) The Committee agreed that at its 41st Session in 2014, a session will be included on a 10-year retrospective on progress made in implementing the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security.

D. Responsible agricultural investments: the way forward

22. Ms. Christina Blank (Switzerland), Chair of the OEWG on responsible agricultural investments, introduced document CFS 2012/39/6 and described the outcome of the work of the Group.

23. The Committee, having taken into consideration the outcome of the OEWG consultative process to prepare Terms of Reference for the process within CFS to develop principles for responsible agricultural investments:

(a) Approved the Terms of Reference (ToR) included as appendix D of this Report for an inclusive consultation process within CFS to develop and ensure broad ownership of principles for responsible agricultural investments;

(b) Agreed that the consultation process will be implemented by the CFS Secretariat under the oversight of the Bureau and in close collaboration with the OEWG on responsible agricultural investments;

(c) Requested that the principles emanating from the CFS consultative process be submitted for endorsement by CFS at its 41st Session in October 2014;

(d) Emphasized the important role of the planned consultations on responsible agricultural investments, and encouraged all stakeholders to participate actively in the process.

E. Addressing food insecurity in protracted crises

24. The Committee expressed satisfaction with the High-level Expert Forum on Food Insecurity in Protracted Crises (HLEF) and welcomed the report on the discussions and outcomes of the Forum as summarised in the document CFS 2012/39/7 "Addressing Food Insecurity in Countries in Protracted Crises". In particular, the Committee:

(a) Recognized the seriousness, particular characteristics and nature of food insecurity in protracted crises situations;

(b) Noted the role of the Forum's findings and recommendations in guiding further action to promote food security in protracted crises countries and contexts;

(c) Reiterated its support for a consultative process including all relevant stakeholders with a view to presenting for consideration by the CFS Plenary an "Agenda for Action for Food Security in Countries in Protracted Crises", building as appropriate on the elements provided in para. 28 of CFS 2012/39/7;

(d) Requested the CFS Bureau in consultation with the Advisory Group and the Secretariat to oversee the process of arriving at an "Agenda for Action" as per the decisions of the 36th and 37th sessions of the Committee;

(e) Called for immediate, purposeful and coherent action by all stakeholders to promote food security and nutrition in the context of protracted crises.

VI. Global and regional coordination and linkages with CFS

25. The Chairperson, Mr. David Nabarro, Special Representative of the UN Secretary-General for Food Security and Nutrition, stated that the purpose of this session was to explore the linkages between selected global and regional initiatives and CFS and to establish how these can be strengthened for greater impact on food security and nutrition for all.

26. The Committee welcomed presentations of four global initiatives:

(a) Update on the 2012 G-20 Mexico Summit, by Ambassador Miguel Ruiz-Cabañas Izquierdo, Permanent Representative of Mexico;

(b) Update on the Agricultural Market Information System (AMIS), by Mr. David Hegwood, Senior Food Security Advisor of the United States Agency for International Development (USAID);

(c) Update on the Global Conference on Agricultural Research for Development (GCARD), by Mr. Mark Holderness, Executive Secretary of the Global Forum on Agricultural Research;

(d) Update on RIO+20, by Ms. Ann Tutwiler, Deputy Director-General (Knowledge) of FAO on behalf of the Rome-based Agencies (RBAs).

27. The Committee welcomed the following presentations of regional initiatives:

(a) Update on the cooperation between the United Nations Economic Commission for Africa (UNECA), the African Development Bank (AfDB) and the African Union Commission (AUC), by Dr Joan Kagwanja, Director of the Land Policy Initiative;

(b) Overview of the New Alliance for Food Security and Nutrition, by Mr. Jonathan Shrier, Acting Special Representative for Global Food Security, US Department of State.

28. In addition, the Zero Hunger Challenge and the Hunger Free Initiative for West Africa were presented by Mr. José Graziano da Silva, Director-General of FAO.

29. Information on the Hunger Free Latin America and the Caribbean Initiative 2025 was presented by Peru on behalf of GRULAC.

30. From the discussion, the following views were expressed:

(a) There is a range of regional and national initiatives which can contribute to the implementation of actions emerging from CFS decisions;

(b) The process of advancing the Zero Hunger Challenge, establishing Sustainable Development Goals, assessing the sustainability of food systems, building and implementing strategies for food security and nutrition, fostering farmer-centred research, establishing multi-stakeholder partnerships and adopting landscape approaches all benefit from close linkage with CFS, the full involvement of farmers and their organizations and responsible engagement of local businesses;

(c) All global and regional initiatives undertaken in support of the decisions of CFS should be transparent, accessible to actors driving change, capable of influencing outcomes at the community level, yielding tangible benefits for

smallholders — especially women, contributing to food security and nutrition, and accountable to those they seek to benefit;

(d) Effort is needed to improve coherence and linkages of initiatives taken by leaders in different political forums that address food security and to seek consistency with the decisions of CFS and the commitment to advance food security and nutrition;

(e) CFS was asked to consider the possibility of a round table on the progress with implementation of the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security.

VII. Monitoring, mapping and follow-up

A. Following progress towards CFS decisions and recommendations

31. The Committee considered documents CFS 2012/39/8 "Monitoring Progress towards CFS Decisions and Recommendations of the Thirty-Seventh Session (October 2011)" and CFS 2012/39/9 "Information Note on Monitoring CFS Decisions and Recommendations" as presented by Ambassador Mary Mubi (Zimbabwe), the Chair of the OEWG on Monitoring.

32. Mr. Alexander Müller, Assistant Director-General, FAO Natural Resources and Environment Department presented its recent work towards supporting implementation of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, approved by the CFS at its 38th (Special) Session.

33. The Committee:

(a) Acknowledged document CFS 2012/39/8;

(b) Endorsed the findings and recommendations contained in CFS 2012/39/9 related to the further development and clarification of CFS monitoring work, especially:

- That CFS recommendations be actionable and targeted at specific stakeholders;
- The need for CFS to respond to the CFS reform document's call for an "innovative mechanism" to help countries and regions, as appropriate, to address the question of whether food security and nutrition objectives are being achieved;
- That the OEWG on Monitoring continue its work in 2013 as outlined in para. 9 and report back to CFS at its 40th Session in October 2013.

B. Multi-Year Programme of Work (MYPOW) for CFS

34. The Committee considered document CFS 2012/39/11 Rev.1 "Multi-Year Programme of Work (MYPOW) as presented by Ms. Christine Ton Nu (France), the Chair of the OEWG on Programme of Work and Priorities.

35. The Committee:

(a) Adopted the CFS Multi-Year Programme of Work (MYPOW) 2012-2013 acknowledging that the Results-based Framework is a work in progress and will benefit from further elaboration by the CFS work on monitoring;

(b) Adopted the principles for selection, prioritization and integration of new work streams in the Multi-Year Programme of Work;

(c) Endorsed the priorities and major work streams for 2012-2013 and suggested that no new major work stream is initiated before the 40th Session of CFS (October 2013) unless it responds to extenuating circumstances (e.g. a crisis) and is endorsed by the Bureau.

C. Mapping food security and nutrition actions at country level

36. The Committee considered document CFS 2012/39/10 Rev.1 "Mapping Food Security and Nutrition Actions at Country Level" as presented by Mr. Mark McGuire, FAO, CFS Secretariat and Coordinator of CFS Actions Mapping Task Team.

37. Considering the update on the progress made since the 37th Session, including the outcomes of the discussions held during FAO Regional Conferences and the main findings and recommendations of the Technical Workshop on Harmonization of Food Security and Nutrition Actions Mapping.

38. The Committee:

(a) Noted the importance of food security and nutrition actions mapping and related capacity needs at country level;

(b) Endorsed the recommendations contained in paragraph 17 of the document related to the identification of ways to improve the harmonization of methods and tools and the streamlining of food security and nutrition actions mapping with other food security and nutrition information systems;

(c) Encouraged the development of a time-bound work plan with clear outputs and resource requirements to:

(i) Develop and reach agreement on a set of common variables, standards, and data exchange protocols for food security and nutrition actions mapping;

(ii) Promote their application through those organizations already engaged in actions mapping;

(iii) Continue strengthening collaboration on and harmonization of food security and nutrition actions mapping across sectors and actions mapping systems operated by partners at all levels (global, regional, national, local);

(d) Encouraged the Rome-based agencies, in collaboration with key partners and an expanded Task Team, as appropriate, to assist in the development and implementation of the above mentioned work plan based on resources available.

IX. Other matters

A. Proposed Amendments to the CFS Rules of Procedure and to Rule XXXIII of the General Rules of the Organization

39. The Committee examined document CFS 2012/39/12 Rev.1 "Proposed Amendments to the CFS Rules of Procedure and to Rule XXXIII of the General Rules of the Organization".

40. The Committee endorsed the proposed amendments to Rule XXXIII of the General Rules of the Organization and agreed to transmit these to the Committee on Constitutional and Legal Matters (CCLM) and the FAO Council, for forwarding to the Conference for final approval.

41. The Committee adopted, by exceeding the required two thirds majority of votes cast established through a nominal vote, the proposed amendments to the CFS Rules of Procedure as set out in PART II of document CFS 2012/39/12 Rev.1 with Rule II "*Bureau*" reading as follows:

> *2. The Chairperson shall be elected for a period of two years on a rotational basis among regions and on the basis of individual qualifications and experience relevant to the mandate of CFS. He or she shall not be eligible for election for two consecutive terms in the same office. His/her term of office shall expire at the end of the Committee meeting where the elections of a new Chairperson is held.*

42. The results of the vote were: 88 votes for, 1 against and 0 abstentions. The Member State which voted against indicated that it did so by mistake and that its intention was to vote for the amendments.

43. The Committee mandated the Bureau to develop the selection procedures, including the required qualifications and the terms of reference, for the position of the CFS Secretary, together with modalities and requirements for inclusion in the Secretariat of other UN entities directly concerned with food security and nutrition, with a view to submitting proposals to the Committee during its plenary session in October 2013. Such proposals should take into account views expressed by the executive heads of FAO, IFAD and WFP.

44. The Committee endorsed the Bureau's decision to extend the tenure of current members of the Steering Committee of the High-level Panel of Experts (HLPE) on Food Security and Nutrition until October 2013.

45. One regional group pointed out that, when selecting experts to serve on the Steering Committee of the HLPE, regional balance should be taken into account in addition to individual expertise. They also wished to record that the Bureau should continue to strive towards improving the CFS rules with the view to facilitating the work of the Committee.

B. Arrangements for the October 2013

46. The Chair recommended that the 40th Session be held from 7-11 October 2013 at FAO headquarters in Rome, as indicated on the Provisional Calendar of FAO Governing Bodies. The exact dates will be determined by the Director-General in consultation with the Chairperson of the Committee.

Appendix D

Proposed terms of reference to develop principles for responsible agricultural investment

A. Purpose

1. The expected outcome of the inclusive, consultative process within CFS is a set of principles to promote investments in agriculture that contribute to food security and nutrition and to support the progressive realization of the right to adequate food in the context of national food security.

B. Intended users of the principles

2. The principles are intended for all stakeholders that are involved in, benefit from, or are affected by agricultural investments, including among others:

(a) Governments (national, sub-national, local) in host States and States of origin of investments;

(b) Private and public investors (both domestic and foreign), such as small — medium — large farmers, farmers' organizations, cooperatives, private companies, joint ventures, chambers of commerce, trade unions, state funds, pension funds, financial institutions, commodities traders, partnerships and corporations;

(c) Intergovernmental and regional organizations, including international and regional financial institutions;

(d) Civil society organizations;

(e) Research organizations and universities;

(f) Donors;

(g) Foundations.

C. Type of instrument

3. The principles will be voluntary and non-binding and should be interpreted and applied consistent with existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments. These principles should be interpreted and applied in accordance with national legal systems and their institutions. They should be endorsed by CFS.

D. Nature of the principles

4. The principles to be developed by the consultative process will take into account existing guidance frameworks such as the rai principles developed by FAO, IFAD, the United Nations Conference on Trade and Development (UNCTAD), the World Bank and build on the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security

(VGGT) and the Voluntary Guidelines on the Progressive Realization of the Right to Adequate Food in the Context of National Food Security.

5. The principles will address all types of investment in agricultural value chains and food systems[5] including by, for and with smallholder producers and including investments in agricultural research, extension and technology transfer. They will include foreign and domestic, public and private small, medium and large scale investments.

6. The principles should take into account the following key considerations:

(a) The broad diversity of agricultural value chains and food systems including smallholder food production, processing and marketing;

(b) Recognition of special interests and needs of smallholder producers with respect to research, development and technology transfer;

(c) The impact of agricultural investments on environmental, economic, social and cultural aspects, including, but not limited to impacts on:

(i) Food security and nutrition;

(ii) Food producers;

(iii) The most vulnerable segments of the population;

(iv) Employment creation and labour conditions;

(v) Gender related aspects including particular obstacles faced by women and girls (see VGGT, 5.4);

(vi) The contribution to the sustainable use of natural resources;

(vii) Improved sustainable agricultural productivity;

(viii) Access to productive agricultural resources;

(ix) The functioning of markets;

(x) Improved access to markets by smallholder producers and processors.

(d) The relevant obligations of States, and responsibilities of non-State actors conducive to responsible governance of investment such as existing human rights standards and the progressive realization of the right to adequate food in the context of national food security (based on VGGT sections 3B and 4);

(e) Governance structures and decision making processes to enable and facilitate key elements such as consultation, participation, anti-corruption and conflict resolution;

(f) Coordination, cooperation and partnerships among stakeholders;

(g) Mechanisms to review, investments and to promote accountability of individuals, State and non-State actors for their actions (based on VGGT, sections 3B and 4, and part 7).

7. Furthermore the principles should:

[5] Including forestry and fisheries.

(a) Build on the VGGT, particularly regarding section 12 on Investments, without reopening issues agreed to and include explicit references to the VGGT;

(b) Clarify for the purpose of this process, commonly used terms such as responsible investment, private sector, smallholder producers, smallholder sensitive investment, and;

(c) Ensure they do not duplicate existing agreements and ongoing intergovernmental negotiations across the UN and multilateral system.

E. Proposed process and timeframe for the consultations

8. The consultation process to develop the principles should be open and include all stakeholders that are key to ensure ownership and legitimacy. Adequate participation of Civil Society Organizations (CSOs), the private sector (companies and investors of all sizes), of initiatives such as the Comprehensive Africa Agriculture Development (CAADP), UN Global Compact, Organization for Economic Cooperation and Development (OECD), Grow Africa, national investment frameworks, and of research organizations, should be ensured.

9. The process should take into account lessons learnt from other CFS-led processes such as the VGGT and the Global Strategic Framework for Food Security and Nutrition (GSF).

10. The consultation and negotiation process should be properly planned, simple and efficient. Regional, national, thematic and/or stakeholder specific, electronic consultations, which enable multi-stakeholder dialogue should be considered. Where possible, appropriate existing forums/meetings should be used, and stakeholders should be periodically informed about the stage of development of the principles.

11. The consultation schedule and relevant documents such as the draft principles should be made available well in advance in all UN official languages in the interests of maximum participation by all stakeholders.

12. The CFS Secretariat will implement the consultation process under the oversight of the Bureau and in close collaboration with the OEWG.

13. Adequate financial and human resources should be secured in advance to enable the consultations.

14. The following tentative schedule is proposed:

Task	*Timeframe*
OEWG meeting to discuss preliminary work on the Zero Draft and prepare a calendar of consultations	Early November 2012
CFS Secretariat to prepare a Zero Draft of the principles	Nov. 2012-Jan. 2013
Zero draft is discussed in OEWG and CFS Bureau	Feb. 2013
Regional multi-stakeholder consultations, e-consultation and consultations within existing regional meetings/fora	Feb. 2013-Jan. 2014

Task	*Timeframe*
CFS Secretariat to prepare Draft One	Feb. 2014
Draft One is discussed in OEWG and CFS Bureau	March 2014
Global meeting to be held in Rome to negotiate Final Version	June/July 2014
Principles are endorsed at CFS Plenary	October 2014

15. Estimated costs to implement the above would be $2.000.000 and would cover the costs for human resources, organization of meetings and travel expenses for selected participants.